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George Bancroft.

Dem Geschichtsschreiber seines
grossen Vaterlandes
dem geehrten Collegen und
lieben Freunde

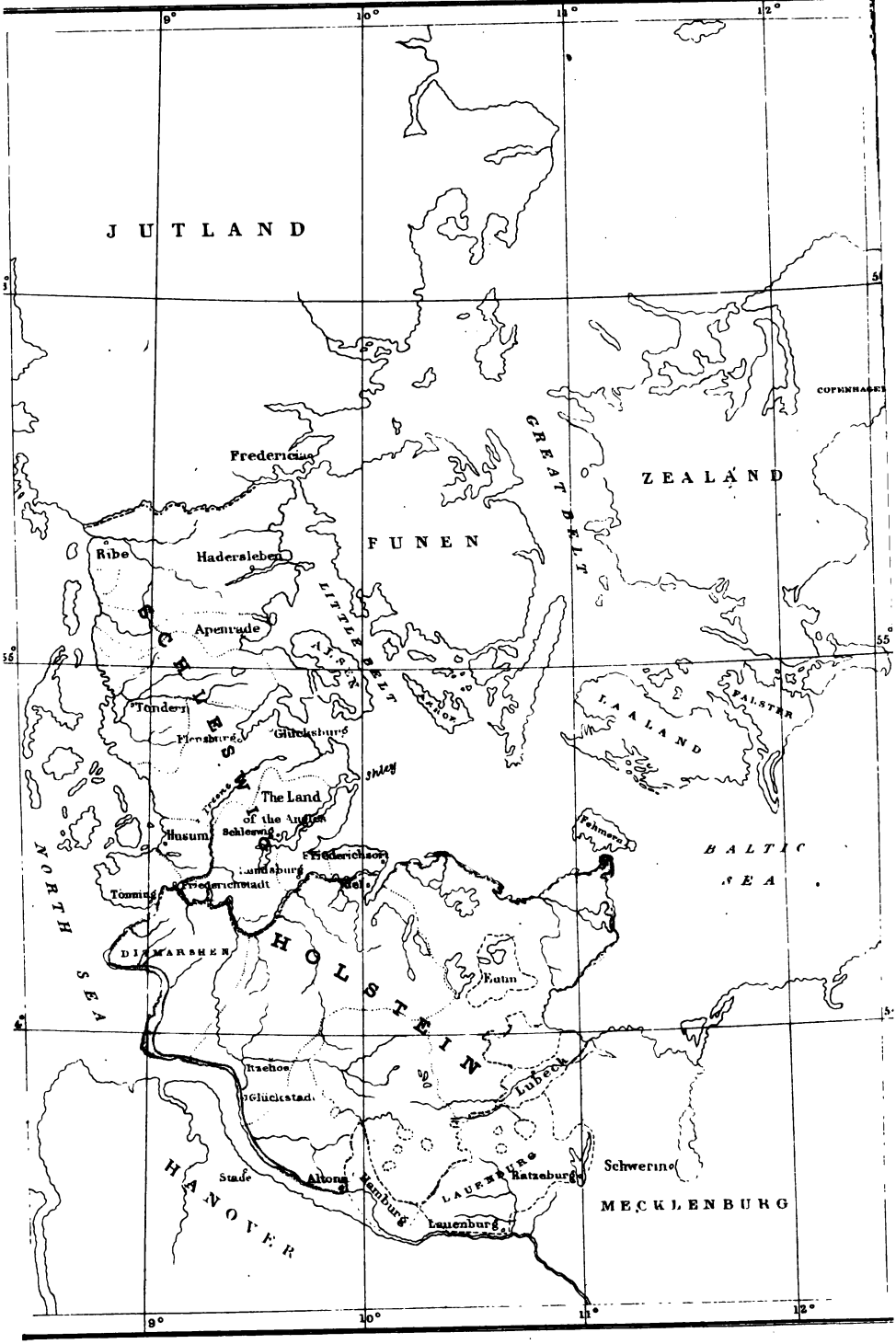
G. Bancroft

eine kleine Gabe

Bunsen

London 6 Mai
1848

THE DUCHIES SCHLESWIG AND HOLSTEIN.



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MEMOIR

ON

The Constitutional Rights

OF

THE DUCHIES OF

SCHLESWIG AND HOLSTEIN,

PRESENTED TO

VISCOUNT PALMERSTON

BY

CHEVALIER BUNSEN,

ON THE 8TH OF APRIL, 1848:

WITH A POSTSCRIPT OF THE 15TH OF APRIL.

PUBLISHED, WITH

M. DE GRUNER'S ESSAY ON THE DANISH QUESTION,

AND ALL THE OFFICIAL DOCUMENTS,

BY

OTTO VON WENCKSTERN.

ILLUSTRATED BY A MAP OF THE TWO DUCHIES.

LONDON:
LONGMAN, BROWN, GREEN, AND LONGMANS,
PATERNOSTER-ROW.
1848.

J.L.S.

4

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INTRODUCTORY REMARKS.

NEITHER this preface, nor the two Memoirs which form the bulk of this pamphlet, are intended for a special pleading, in behalf of a part, or the whole of the German nation. The question of the two German Duchies, Schleswig and Holstein, which was still pending when the first sheets went to the press, has within the last few days assumed a character, which realizes the worst apprehensions of international peace and prosperity. Aspersions have meanwhile been cast upon the German name and character, such as it was usual for Europe to cast upon us.

M. von Gruner who deals only with facts has nevertheless provided against some of these aspersions, and refuted them before-hand. His pamphlet on the Schleswig-Holstein succession, dates two years back, but it contains nevertheless satisfactory answers to the reasons alleged against the German interference in the duchies, and against the abuses with which Danish writers so profusely spice their arguments.

Chevalier Bunsen, too, has thrown his acknowledged political integrity into the scale of his native country, and illustrated the subject with his renowned logical acuteness, depth of thought and dia-

lectic skill. If another hand presumes to add a few remarks on some of the minor points at issue, it will be remembered that so great and so important is the subject, that it admits of all capacities, and of every gradation of talent.

The present question is, in fact, one of a general European war.

The charge of embarrassing Europe with a political controversy, which obtains its importance chiefly by the violence of its discussion, and doing this, too, at the very worst moment that could possibly have been chosen, rests not altogether with the Germans. That question had on former occasions been carried to such lengths, that England and the rest of the world have felt more grief than astonishment at witnessing the late unadvised proceedings in the two countries.

The Danish duchies, Schleswig and Holstein, have preferred certain claims upon the King of Denmark, which the latter was not unwilling to grant them, but for the fanaticism of the Danes, who bullied him into a refusal. The two Duchies, even while appealing to the King's justice, allowed themselves to be hurried into a revolution, though they were yet ignorant of the answer given to their deputies. They set up a Provisional Government, with the Prince of Augustenburg at its head. The King of Prussia, borne along by the breath of popular agitation, has expressed his adhesion to the independence of the Duchies. He has

declared that a single Danish soldier on German ground shall constitute a *casus belli*. That *casus belli* is now fully constituted. A battle has been fought between the people of Schleswig-Holstein and the Danish soldiery, in which the former have been defeated. Prussian troops have crossed the frontiers of Schleswig, and are at this very moment opposed to the victorious Danish army. The other kings and princes of Germany are sending their troops to the assistance of their rash but deeply injured countrymen. The German towns and villages are arming troops of volunteers whom they send off to the rescue of the two Duchies. The German people, whom the world has so long reproached with a want of nationality, are rising against the oppressors of a member of their family. They are resolved to risk the commercial prosperity of their cities on the shores of the Baltic, rather than abandon those who have placed themselves under their protection. So strong are their feelings on this point, and so convinced are they of the justness of their cause, that their enmity is equally strong against the friends of the Danes, as against the Danes themselves.

These feelings of the Germans, if unnatural and criminal, as it is asserted, shall not be defended by us. We leave their defence or condemnation to history. We state facts. The warlike enthusiasm of the Germans, and their sympathies for their oppressed countrymen in the

duchies have reached their acmè. This is much, for the German people as a *body* are not easily roused. The very shout of defiance with which they received the news of the late losses of the people of Schleswig-Holstein, proves that in a national cause like this, they may be defeated, but cannot be conquered.

As to some of the arguments which are adduced for or against the point at issue, it is, I think, the shortest and most satisfactory way to ask at once the plain question — what is the feud about, and who began it? Now the Danes, the English, and the French, pretend that the Germans began the feud, and the Germans cast the imputation back upon the Danes, asserting that they created the quarrel, by influencing their Kings to use all means, from open violence to skulking fraud, to incorporate the two duchies, which hitherto were separated and independent, with their own Crown of Denmark. This desire of the Danes and the Danish Kings to extend their rights farther than they formerly went, has created the quarrel, and since the two duchies, whatever they may afterwards have done, were very quiet and orderly until the incorporation with Denmark was pressed upon them; it is, I think, clear that the Danes *did* begin the feud. Nor is this generally denied. On the contrary, it is asserted that they began the quarrel, but that they were entitled to do so. Their right and title to press their intimacy on people who do

not care to have it, will be left to Chevalier Bunsen's Memoir and to M. von Gruner's exposition, when it will find a satisfactory settlement. I will merely state what every body allows, that the two Duchies, Schleswig and Holstein, have ever been and are two dependencies of the Oldenburg dynasty, and, under certain conditions, subject to the rule of the head of that family, who now occupies the throne of Denmark. The Danes have in right nothing whatever to do with them beyond the sovereignty which their King possesses in his quality as Duke of Schleswig and Holstein. Relations like these are neither extraordinary nor unfrequent in Germany, where the Emperors of Austria, for instance, are Dukes of Salzburg and Styria, Markgraves of Mähren, and Counts of the Tyrol; all of which countries, though they owe their allegiance to the Emperor, are understood to do so, not inasmuch as he is Emperor, but as he is their Duke, Markgrave, and Count. This would, perhaps, seem an idle distinction were it not that feudal dependencies of this kind possess particular privileges, immunities, and rights, which would be lost if their constitution were merged in the institutions of the principal state. A case in point occurs in the English history, when the Elector of Hanover was called to the throne of this country. There was only this difference, that in the case of England it was the larger country which possessed distinct privileges, from which the lesser, viz. the

Electorate of Hanover, was exempt. There was the like difference in the fundamental law of succession of the two countries, which is now so troublesome in the Schleswig-Holstein question. Hanover, like all other German states, could only descend to a male inheritor. The two countries were consequently divided on the decease of King William.

If the late King William had thought proper to proclaim an act of incorporation of Hanover and England, thereby abolishing the order of the succession in his family and reconstructing it on principles hitherto unacknowledged in either country, this act of his would have been at once unwarranted and illegal. The Hanoverians might not perhaps have objected to it, for an incorporation with England would have given them rights which they, in common with all Germany, ardently longed for. The English might possibly not have been so eager to extend their privileges to Hanover, but every man of common sense must admit, if King William had proposed a law to the above purpose, that there were two parties on whom the decision mainly depended; viz., the male branch of the English Royal family, represented by the Duke of Cumberland, whom that law would have deprived of the throne of Hanover, and the people of that kingdom themselves, who could not by right be forced to agree to a radical change in the order of succession and the constitution of their country, unless they chose to do so.

Reverse this case in all that regards privileges and rights, and you have the exact position of Denmark and the Duchies. In the case of England and Hanover, it was the former country which possessed privileges, while the Hanoverians had none. The King of Denmark is pretty absolute in the Danish States, while in the Duchies of Schleswig and Holstein his authority is limited by certain statutes and provisions. Hence the opposition which the project of incorporation has met with. To incorporate Hanover with England would have been unjust, but not cruel; one at least of the contracting parties would not perhaps have opposed that measure, though the law might have condemned it. But to incorporate the Duchies with Denmark means to abolish their native rights and privileges, to do away with their constitution, and to subject them to the unlimited and arbitrary rule, which is, in Denmark, to say the least, a legal possibility. It is true the King of Denmark has promised a constitution; but whom did he promise it to? To the very people of Schleswig-Holstein who for above thirty years had witnessed the ineffectual struggle of their German neighbours and countrymen to obtain such a "promised constitution." It is, to use a homely expression, rather "late in the day" to believe in such promises. Constitutions which are really meant to be given, *are* given and not promised. To promise the Schleswig-Holsteiners a constitution was the very means to put them upon their

guard, for their experience had taught them the exact value of such a promise. And the proposed change in the order of succession means nothing more or less than that their unconditional surrender of their privileges shall be perpetuated *ad infinitum* — for if there is a likelihood of the male line of the present Royal family in Denmark becoming extinct, the affliction of the Duchies would remain uncomforted even by the reflection that a new dynasty might restore them to their former privileged state.

This shows how wrong it is to attribute the whole agitation to national sympathies and antipathies. The two Duchies are decidedly German in language and character, and a great part of their inhabitants disliked the Danes, because they behaved like the fox in the fable, whose tail had got docked in a trap, and who insisted on the other foxes curtailing their honours likewise. It is also true that the inhabitants of Schleswig and Holstein worn out with the repeated and unremitting attacks of the Danes against their privileges, and contrasting the glorious future, which seems to open for Germany, with their own abject state if the Danish scheme be carried into execution, are anxious to benefit by the young German liberties; and, since they are not permitted to belong to Denmark on the terms on which they have hitherto done so, they prefer to share the fortunes of the German empire. The position which the German nations have taken in this affair may be con-

sidered unadvised, but is, nevertheless, equally natural. On former occasions, when their own rights were infringed, they sympathised with Schleswig and Holstein, as the oppressed do with the oppressed. Now that they have succeeded to a plenitude of liberty, the ebullition of their generous feelings may be rash and imprudent; but, can calmness and sobriety be expected from a nation, after so sudden and astounding a revolution as that of Germany has been ?

But, it is said, it is not Schleswig *and* Holstein which are to be incorporated with Denmark. The former country alone is in question. This objection leads directly to another argument against the incorporation and the intended infringement of another statute, by virtue of which the King of Denmark reigns over the Duchies. It has not once but repeatedly been stipulated, provided, and acknowledged, that the two Duchies of Schleswig and Holstein shall not be separated, but that the male line of the Oldenburg family shall reign over both *undivided*. The same statute which makes the King Duke of Schleswig states the condition as plainly as words can do, that the Duchies shall not be divided, and that the male line shall reign in both. The Letters Patent of the late King, in changing the succession in the Duchy of Schleswig, contain not only a death-blow to the free institutions of that province, but they effect also a prospective separation of Schleswig from Holstein. The same arbitrary decree which incorporates

Schleswig with Denmark severs it from Holstein, and reduces the question to a simple point of common law. No one can deny, if certain lands or benefices are held under certain conditions, that the possessions become forfeited, unless the conditions are fulfilled. The expulsion of King James, and the accession of the Hanoverian line to the English throne, rested on no other fonndation, and the memorable bill of the British Parliament of the 25th of January, 1687,— "That King James .... by breaking the original contract between the king and the people . . . and having violated the fundamental laws, hath *abdicated* the Government," stands on that ground. If you condemn one, you must also condemn the other, for limited monarchy, if it means anything, means that there are certain bounds which the sovereign is not allowed to overstep, that his title to a crown is identical with certain conditions which he cannot violate without at the same time absolving the people from their allegiance.

It has also been said that the private quarrels of the King of Denmark have nothing whatever to do with the Germanic Confederation. This is in so far true, as the Confederation has no right to interfere unless called upon by the Duchy of Holstein. This Duchy belongs to the Confederation, which is bound to exert its jurisdiction, if that jurisdiction is appealed to by any one constituent state. Holstein has made that appeal. The Germanic Confederation has no jurisdiction whatever in the

affairs of Schleswig beyond the maintenance of the fundamental law which connects Schleswig with Holstein. It would be idle to say that these two countries are to he merged into Germany. In doing this the Confederation would overstep the limits of their duty. If the two Duchies are allowed to continue with Denmark in the manner in which they have done for centuries; if their original contract be respected; if their privileges and their union remain intact, there can be but one opinion as to the limits of the federal authority. The question of interference and non-interference does not, therefore, lie with the Confederation, but with the King of Denmark, who alone has the power to set this matter at rest.

It has been tried to identify the case of the Danish Duchies with that of Ireland; but I must confess I can see no similarity between them. Ireland has a legal representation in the parliament of the united kingdom; and, though an English colony, it enjoys, in many respects, greater privileges than Great Britain herself. The Schleswig question has nothing in common with the Repealers. The Danish Duchies are not required to join a Copenhagen Parliament; they are not insulted with a Maynooth grant, or indeed with any other grants whatever. They are asked to renounce their free institutions for a royal promise and join the Danes under a common despotic rule.

And Ireland, too, has never belonged, either wholly, or in part, to an acknowledged and legal

confederation. It has never had either the duties or the rights of a federal state. The same applies to Lombardy and Sardinia. The interference of Sardinia in the revolution of the Lombards has wrongly been stated to be a parallel case with the Danish German question, for there never was an Italian Confederation whose laws, framed and acknowledged by all the nations of Europe, commanded Sardinia to interfere. Besides, the Lombards have not asserted old rights, but they have demanded new ones. The institution of the Germanic Confederation, if it had any purpose at all, was meant to check the arbitrary power of the Princes in all matters relating to the fundamental laws of their countries.

It is asserted on the one side, and denied on the other, that all the rights, privileges, and stipulations of the two duchies were altogether done away with in 1721 by their pretended adhesion to the *lex regia*. If so, it is at least very strange, that the *lex regia* should now first be thought of as authorising the abolition of these privileges. It is more than a century that this *lex regia* has been sworn to. But, if that most mysterious law is to supersede the old charters of the Duchies on account of its newness, I cannot but protest that the same plea holds good with respect to the law by which the Germanic Confederation is bound to protect Holstein. That law is newer still, and, if the above reasoning be adopted, it must supersede the *lex regia*.

All European nations are bound to keep the peace. But, if the war continues between Germany and Denmark, if ports are blockaded, shipping destroyed, and a vast field of action opened to the common enemy, who, let me ask, will bear the justest blame ? Is it he who strikes the first blow, or he who wantonly causes that first blow to be struck ? The King of Denmark, it is true, stands not alone in this quarrel. He has an ally who never yet refused the appeal of the King whose despotic tendencies had roused his subjects against him. The old enmity of the Danes and the Russians will not, perhaps, prevent them from making common cause against the Duchies. But let the Danes look to themselves! Let them turn over the pages of history and try to find one people to whom a Russian alliance did any good. Let the Danes be careful how they open their ports and cities to a friend whom, they must know, they are not strong enough to drive away, if he should choose to stay, after his assistance is no longer wanted. Let them, in short, consider, that the naval power of Russia, is nothing without the possession of the Sound, and that Denmark has the Sound.

London,
April 17th, 1848.

MEMOIR

ON

THE CONSTITUTIONAL RIGHTS OF THE DUCHIES OF SCHLESWIG AND HOLSTEIN, THE RIGHT AND THE DUTY OF THE GERMAN CONFEDERATION, AND THE PURPORT OF THE ENGLISH GUARANTEE OF 1720.

Presented to LORD PALMERSTON by CHEVALIER BUNSEN, on the 8th of April, 1848.

WITH A POSTSCRIPT OF 15TH APRIL.

The Controversial Points.

THE question as to the constitutional relations of the two Duchies of Schleswig and of Holstein between themselves and with Denmark, and the question as to the eventual succession in those Duchies at the expiration of the male line of the reigning house of Denmark (now represented by the King and his uncle, Prince Ferdinand, both without issue), have been agitated during the last thirty years, and have been more particularly the objects of research and of animated discussion since 1846, when the late King of Denmark published his famous Letters Patent. Profound publicistic and historical deductions and researches have been published on these two questions, not only by individual writers of eminence, but also by com-

mittees appointed by the Government of Denmark and by the States of Schleswig and of Holstein; finally by committees of many of the Constitutional Chambers of Germany.

And here it may be observed, that the whole question of the Duchies has been lately handled in a simply historical manner by a very impartial Prussian publicistic author, M. de Gruner, and approved by a man elevated above all parties. We speak of Mr. Wheaton, late envoy of the United States at Copenhagen, and subsequently at Berlin, who, as author of different treatises on the Law of Nations and of the best work on the history of the same, is reckoned, both in Europe and in the United States, amongst the first living authorities in these matters, as well on account of the integrity of his character and the impartiality of his judgment, as of his accurate knowledge and immense erudition. M. de Gruner published last year, at Paris, a very succinct and lucid treatise in French, in which he freely criticises the advocates of both sides, and endeavours to place the whole case, for the general European public, upon documentary facts and indisputable axioms of national and constitutional law. It is to this production that we beg to refer, as to those facts and circumstances which we omit as not essentially belonging to our object, or to which we are only able to allude cursorily.

M. de Gruner's, as well as the other researches

and treatises to which we have alluded, comprises two entirely different points. The one is the eventual Right of Succession in the Duchies, between the various branches and representatives of the male line. The second is the Constitutional Right of the Duchies themselves, in their relation to the King and the kingdom of Denmark, at present, and in the (not very distant) eventuality of the extinction of the male line upon that throne.

Now, the first point is involved in very great intricacies, as must naturally be the case wherever recourse is to be had to ancient facts, renunciations, and similar family arrangements, and to local rights and usages. But this point is, at least at present, of no European interest: particularly since it has been acknowledged on all sides, that, in consequence of the acts of renunciation and of cession of the Grand Duke, later Emperor Paul I., in 1773, Russia has not a shadow of claim to any portion of either Holstein or Schleswig.

The second point, on the contrary, is at once intelligible and all important.

This point, on the understanding and settlement of which the peace between Denmark and the Germanic Confederation depends at this moment, is, simply the question respecting the constitutional right of the two Duchies to be united States, under the sovereignty of the reigning family of Denmark, but entirely independent of the monarchy of Denmark. We shall have to consider these rights in

respect to their present state, and at the expiration of the male line of the reigning house of Denmark.

Indeed, as soon as this question is separated from the other, and constitutional principles are applied to it, its solution will scarcely seem doubtful to the European statesman. In the meantime, the populations themselves, after thirty years' patient remonstrances, and after having exhausted all other means, have risen, as it were, to a man, to resist an open attack made by the King upon this vital point. They have asserted their independence of Denmark, although without shaking off their allegiance.

We shall endeavour to place this discussion upon the largest possible basis of avowed facts and indisputable axioms of constitutional law; and we shall assume nothing as proved and granted, which the distinguished publicistic writer to whose work we have already alluded, and the eminent American philosopher, have not considered as fully established.

The Constitutional Rights of the Duchies among themselves, and in respect to Denmark.

We shall begin by speaking of the respective rights of the two Duchies, without reference to the circumstance, that the one of them is a member of the German Confederation and the other not. For the right of Holstein is as independent of any relation with Germany as that of Schleswig.

A few introductory words respecting the statistics of the Duchies will perhaps not be useless for

the following enquiry. The southern Duchy, Holstein, with Altona and Glückstadt on the Elbe, and with Rendsburg and Kiel towards the eastern coast, near the frontiers of Schleswig, has about 500,000 exclusively German inhabitants, and was originally given, received, and handed down, as a fief of the German empire, as it is now an integral part of the German Confederation.

The Duchy of Schleswig, or the country of the Angles (the ancestors of the people of England, as to blood and name) situated between Jütland and Holstein, has about 370,000 inhabitants, amongst whom there are about 150,000 peasants of Danish origin, immigrated from the bordering districts of Jütland, almost all of whom live in the northern parts of Schleswig and some along the middle ridge of the country down to Glücksburg. The rest are Germans; and the civilising element, in schools, and by the Bible and worship, has always been, and is at present, German. This circumstance, and the common love of liberty, explain the phenomenon, that the Danish population of the Duchy has always united with the German in the assertion and support of the independence of the Duchy.

As to the small islands which belong to Schleswig, and form part of the Duchy, all those on the western coast are inhabited by Germans of the ancient tribe of the Frizes. In those on the eastern coast, the population of the two northern ones, Alsen and Aeroë, is almost exclusively Danish;

whereas, that of the southern, Femern, opposite Holstein, is entirely German.

The two Duchies have been, from time immemorial, united together as parts of one and the same family, and they have kept up, during 600 years, their constitutional independence, amidst a change of princes and princely families, and against the ever renewed attacks of the Danes, and the attempts of the dynasty to reduce those countries to a level with the kingdom of Denmark, which always had but a very limited constitutional liberty, and has been, since 1660, the only entirely absolute monarchy of Europe.

The first right, therefore, which both assert is, that they are *States of their own right, independent of the kingdom of Denmark* (selbständige Staaten), as much as Hungary, although under the same reigning family, is independent of Austria, and as Hanover was, during more than a century, of England.

Of the other constitutional rights common to the Duchies, there are two pre-eminently important and really fundamental; and the question at issue depends upon the clear understanding of these.

The one is, *that the Duchies never can be separated one from the other.* The other, *that the male line alone can succeed in either.*

These three points of constitutional law decide upon the whole controversy.

We shall first establish that the reigning family of Denmark *holds both these Duchies*, from the

beginning, *by one and the same tenure*, as far as their being independent of Denmark, their constitutional right of being united, and the law of succession excluding females, are concerned.

What, in this respect, is conceded to the one Duchy, must, therefore, be considered as conceded to the other.

Without going back to the remoter part of the constitutional history of the Duchies (for which we beg to refer to M. de Gruner's treatise), it is sufficient to prove that the reigning family of Denmark received the two Duchies by one and the same free act of the United Parliament of the present Duchies, and that those fundamental laws were formally acknowledged by Christian I. when elected in 1460 by the Assembly of the States of the two Duchies, after the demise of his uncle Adolphus, Duke of Schleswig and Count of Holstein, who had left no issue. The States, exercising in his favour their ancient right of election, made him acknowledge: "that he was to be considered not as a King of Denmark, but as Duke and Count these lands."

He further explicitly acknowledged: "that Schleswig and Holstein are always to remain together, undivided." (The original words, in the German idiom of these provinces, are: *that se bliven ewich tosamende ungedeelt.* In High German: dass sie bleiben ewig zusammen ungetheilt.)

He even admitted the right of the States "inva-

riably to elect, amongst the sons of their Duke and Count, him whom they judged the fittest to succeed him; and, if there were no sons, to choose a Duke amongst his male heirs."

We suppose this act establishes clearly enough two of the three points at issue. *First*, that the two countries of Schleswig and Holstein were formally constituted and acknowledged as independent States, constitutionally separated from Denmark: *Secondly*, that they were so intimately united in their internal constitution that the reigning family of Denmark received the sovereignty by one and the same act of the United Parliament of those countries; and that they were, on the strength of the most solemn engagement, for ever to remain united.

As to the *third* point, that of the exclusion of the female succession, it is clear that, originally, the States had a right to elect a Duke out of the sons or nearest cousins. If this is not supposed sufficiently to imply that the female line was never thought of, the fact that Holstein, as a Germanic fief, could only go by the male line, is a direct proof of the existence and necessary permanence of that right: for how could the second point, that of perpetual unity, be maintained, if a different line of succession was contemplated as possible?

The arrangements between the United Parliament and the Dukes, in the seventeenth century, established the hereditary succession. The States waved their right of election among the nearest of

kin, and agreed in 1616 upon the principle of succession by primogeniture, with total exclusion of the female line. In pursuance of this agreement the different lines made the necessary arrangements among themselves, the younger lines first: and finally, in 1650, Frederic III., as head of the first branch of the elder line, published the *Statute of Succession*, based upon that principle. In this statute the Duke explicitly says*: "This order of succession is to be an everlasting law of our royal line of our princely house Schleswig-Holstein."

When, in 1709, claims for succeeding, not only in Denmark, but also in the Duchies, were put forth by the House of Saxony, then reigning in Poland, the King of Denmark most emphatically protested against the second part of those claims, saying: "The female succession in Denmark has its root in the Lex Regia, and does not extend to the Duchies."

The Princes of Holstein had originally held Schleswig as a Danish fief, and the investiture (which never could be withheld) took place even when the King of Denmark was the Duke of Schleswig-Holstein. But in 1660 (the same year in which the kingdom of Denmark became out of an elective a hereditary monarchy, with the admission of the female line) that feudal form was entirely given up by Denmark, and the Duchy of Schleswig was from this time, even in form of

* The words of the German text are: "ein ewig Recht Unserer königlichen Linie Unseres fürstlichen Hauses Schleswig-Holstein."

tenure, "a sovereign Duchy," as independent of the kingdom of Denmark as Holstein ever had been.

Hitherto there is no disputed fact. The documents are clear, and it is impossible to interpret them differently. The Princes of the House of Oldenburg, according to the system of the time, split in different branches, which, since the middle of the sixteenth century, consolidated themselves in two still existing lines: the elder, or Royal one (with the reigning family of Denmark at its head); and the younger, or Ducal one. They divided the exercise of sovereignty in both Duchies between themselves; partly by establishing it exclusively for the one or the other, in some portions, partly by co-regency. Consequently, part of Northern Schleswig, and some small districts besides, were called the Ducal part, as the portion of the younger, or Ducal, line; and the remaining greater part, as the portion of the elder line, was called the Royal part. But, amongst all these changes and complications among the different lines and branches, the country never was divided. Schleswig remained constitutionally one and united with Holstein. All Dukes down to Christian VIII. took possession of both, by one act.

But a controversy begins with the year 1721. In the year 1720, the Peace of Friedricksburg, concluded between Denmark and Sweden, under the mediation of England and France, put the Royal line in the undisturbed possession of the whole of Ducal Schleswig, where the younger, or Gottorp,

line had claimed the sovereignty over some districts, and the right of co-regency in others. Sweden had constantly supported these claims; but since 1713 the King of Denmark, as head of the elder line, had occupied the whole. In this possession he was confirmed by the Treaty of 1720. The House of Gottorp did not renounce its claims till 1773, and we shall presently have to examine the legal effects of this renunciation.

We have now to examine what was done in the next year by the King of Denmark and the States of Ducal Holstein, in consequence of the Peace of 1720. Letters Patent were issued by the King in the month of August, and in the month of September prelates and knights of Ducal Holstein did him homage. These two acts have been used by the modern Danish writers — for, down to 1815, the Danish historians or publicistic writers have never employed these arguments, nor indeed denied the independence (Selbständigkeit) of Schleswig — in order to prove that in that year Schleswig became incorporated with Denmark.

The Danish Arguments.

1. *The Patent of* 1721.

We shall therefore first have to examine Frederick the Fourth's patent of 1721, addressed to the States in Ducal Schleswig, in which that absolute

monarch is said to have declared his *intention* to incorporate Schleswig with Denmark.

The words quoted by the Danish Commission as proof for their assertion are the following. King Frederick, after having related what has been stipulated in the peace of 1720, respecting the cession of the Gottorp claims, says:* "We therefore are resolved to unite and incorporate the said portion with our portion, and *for that purpose* to receive from the whole of the hereditary States, as prelates, knights, cities, and inhabitants of domains and country, of our Duchy of Schleswig their exclusive homage."

Shall we believe that by these words Frederick IV. intended to do any thing but to unite and incorporate that portion of Schleswig which he had occupied since 1713, and which now had been guaranteed to him and his line, with that portion of the same which this line had possessed before, which, therefore, was called the Royal Schleswig? Not a word is to be found here of *Denmark*, an incorporation with which nobody could dream of without an entire revolution, or a most solemn constitutional act, having taken place.

What right have the advocates of Denmark to supply this all important word?

* The words of the German text are: "Und Wir dann solchemnach *entschlossen*, selbigen Antheil mit dem Unserigen zu vereinigen und zu incorporiren, und *dero Behuoff*, von den gesambten Eingesessenen Ständen Unsers Herzogthums Schleswig, als Praelaten, der Ritterschaft, Städten, Amts- und Landschafts-Einwohnern, die alleinige Erbhuldigung einnehmen . . . . . zu lassen."

But let us look, moreover, to what follows. "*In consequence of his intention,*" the King says, "the whole of the States shall do him exclusive homage." Here it is necessary first to recall, that the Patent is not addressed to the whole of Schleswig, but only to the States of the hitherto divided Ducal Schleswig. *These* are, for the first time, to do him *exclusive* homage. Nothing is more natural. But if the King meant to incorporate (what he had certainly no shadow of right, and, we believe, not even the intention, to do) Schleswig with Denmark, he ought to have called upon the States of Royal Schleswig, already before undividedly possessed by his house, to do him homage as King of Denmark; giving up to him their law of succession, their indissoluble union with Holstein, and indeed all constitutional rights together. We are sure they never would have done it: but the fact to which we call the attention of the reader is, that the King never even demanded it of them. We, therefore, sincerely believe the Danish Commission has attributed to King Frederick IV. more absolutistic and revolutionary intentions than he had, at least as far as they are on record.

If he had, it certainly was not only a vain and criminal, but also a very clumsy, attempt to change, by surreptitious means and ambiguous words, the law of succession, and the whole fundamental constitution of a Duchy, rights and laws acknowledged by him and his predecessors. Such an attempt can have no legal effect, except in the eyes of those who

believe that absolute power has a right to do any thing except limiting itself.

2. *The Act of Homage of* 1721.

But the *Act of Homage?* This is the second of the documentary proofs, brought forward by the modern writers. Did not the States do homage?

First, not the States of the whole of Schleswig, who certainly ought to have been called upon to do so, because it is not even pretended that they ever did before. And still they ought certainly to have given their formal consent. For, as we have seen, their constitution existed intact, was in full activity, and had received a new confirmation by the Statute of Succession of 1650, and by the cessation of the feudal form of investiture in 1660.

If, therefore, now an incorporation was to take place, a regular Diet (*Landtag*) ought to have been convened, regularly constituted of prelates, knights, and boroughs (*Praelaten*, *Ritterschaften*, und *Staedte*). Such a Diet would necessarily have been one for Holstein too. Besides, the *change of the law of succession* in Schleswig interested Holstein directly, as a step necessarily leading, sooner or later, to the breach of the second fundamental law, *the indissoluble union* of the Duchies. Holstein could not so easily be made to give up that Law of Succession, being a fief of the Germanic empire.

The *Lex Regia* of 1665 had established absolute monarchy in Denmark, and nobody asserts that it had done so for Schleswig. The same Statute of

Absolutism had introduced the female succession into Denmark; why should, and how could, this change affect the Duchy more than the first?

Now the admitted fact is, that no Diet was summoned at all: and consequently none met.

But the prelates and knights of Ducal Schleswig met, and did homage on the 3rd and 4th of September of 1721.

And what does this Act of Homage say? It begins by declaring: "That it is to be the *ordinary* oath of hereditary homage."

Therefore, certainly, it was not intended by them to be an homage and oath so *totally different* from all preceding ones; implying a change of succession, an abdication of all constitutional rights.

The ordinary oath used on former occasions runs thus:

"We ——— promise and oblige ourselves hereby and by power of this deed, that we acknowledge and hold His Royal Majesty of Denmark and Norway, &c. &c. &c., to be our only Sovereign, as also his legitimate hereditary successors in the Government," &c.

And here we will observe, that in this ordinary oath the Sovereign of Schleswig is designated as the "King of Denmark;" and, still, not even the Danish advocates have asserted that the oath, as used previously to 1721, implied any incorporation with Denmark.

What, then, is their argument as to the oath of 1721?

It is restricted to four words appended to the sentence just quoted: *secundum tenorem legis regiæ.*

Supposing none but honest intentions, there seem only to be two interpretations of these words possible. They either refer to the "Statute of Succession" of 1650, by which the law of primogeniture had been established by the elder Royal line; or (what perhaps is more natural) they refer to the Letters Patent by which the States were summoned to do homage a fortnight before (22d August, 1721). This was to them a Lex Regia, the King's Law: as to the Danes' Lex Regia of 1660, it had not even been published in the Duchies. Certainly, then, those who did homage could not understand otherwise an oath which was to be the ordinary one: and the intention of him who makes an oath is that to which the Law looks in the first place.

If one of these two interpretations is not the right one, we would rather say those four words are a mere amplification or phrase meaning nothing.

The Holstein Diet has, besides, in that admirable document, the Reservation of Rights of 21st December, 1844, proved that as early as 1722 the King of Denmark expressly acknowledged the claim of a Holstein Duke to succeed eventually in the Duchies: a claim entirely resting upon the unimpaired right of the exclusive male succession in Schleswig as well as in Holstein.

All this seems to prove that Frederick IV. did not intend fraudulently to change the Law of Suc-

cession by his Patent or the Act of Homage. Certainly there was at that time, almost in every part of Europe, and particularly in Denmark, an uncontrolled and unscrupulous tendency towards civilised absolutism. But we do not speak here of motives and of intentions. We only beg leave to say, that, whatever the intentions of the Danish Government were at the time, we should be very sorry to see a respectable Government, in this awful crisis of the world, in this open judgment over Governments, appear before Europe, and before constitutional England, under such colours. We will give the modern advocates of Denmark the benefit of warm patriotic feelings, when they say that King Frederick IV. understood by that significant word nothing less than the *Lex Regia*, the technical name for that unparalleled act of 1660, by which every power is given in Denmark to the King of Denmark, except that of putting any limits to his own absolute power. By doing homage with the addition of this formula (say those advocates) the States of Schleswig in 1721 swore away (knowingly or unknowingly), and those of the Royal portion, who never assembled at that time, are supposed to have consented to their colleagues' swearing away all the fundamental laws of their land. The States are then said to have given up and lost the right of maintaining the male succession, and equally the right of remaining eternally united with Holstein; in short, we would add, what did they *not*

lose, if indeed the Lex Regia of Denmark had been acknowledged by them? Let all such sophisms disappear for ever, in discussing, at the very edge of war, the Law of Nations. Nothing will stand, and nothing ought to stand, in this crisis, but simple truth, and a policy based upon a fair regard to acquired constitutional rights and the free consent of the people to their modification.

We sum up the whole in two words. Whatever King Frederick the Fourth's intentions were, if they really tended to introduce the Danish Lex Regia into the Ducal portion, or, still more, into the whole of Schleswig, they could be of no legal effect, and they have been of no legal effect. As to the States, they certainly did not mean to swear away any rights; and, if they had been made to do so unknowingly, no honest Government ought to wish to find in so despotic and dishonest an act the slightest support for unfounded pretensions.

3. *The Gottorp Renunciation.*

But there is a *third* argument. The Grand Duke, afterwards Emperor Paul, renounced, in 1773, definitively,

"For himself and his heirs and descendants, all his rights, of whatever nature they might be, over the Duchy of Schleswig, and, in particular, over the Ducal part of this Duchy, *in favour of the King of Denmark and of his heirs and successors to the Royal Throne.*"

Undoubtedly he did so; and M. de Gruner draws rom this fact the conclusion that, inadmissible as

the female succession is in the Royal portion of Schleswig, the female line in Denmark has a right eventually to succeed in the Ducal part, as representative of the House of Gottorp. M. de Gruner candidly admits that this supposed right of female succession belongs to the *female* line of Denmark "only as far as it is the representative of the *male* line of Gottorp; and that it ceases as soon as that line becomes extinct." We confess, the right of females succeeding as the representatives of male individuals of another line, and therefore becoming (like the golden pippin) extinct by the failure of that original stock, the male descendancy in Russia, seems to us rather of a doubtful nature. But let us examine this renunciation argument more closely.

We appeal first to the well-known axiom, that nobody can renounce more rights than he possesses, and never those of a third person. Had then the Grand Duke Paul the right of substituting, in a part of Schleswig, the female succession to the male by a very cheap act of renunciation? We think he could never have this right any more than Frederick IV. that of changing the same law by an unscrupulous act of absolute Letters Patent, and an informal and ambiguous Act of Homage. Both Princes held their right in Schleswig by the tenure of constitutional rights, the violation of which might be rather considered to incur the forfeiture of the whole.

In other words, a *renunciation* gives no *right;* but takes away an impediment, as far as the person renouncing his right would have been in the way of a third person's exercising his own.

A. may renounce his eventual portion of a succession in favour of his cousin B., but he cannot renounce in favour of his cousin B. a right which he does not possess: still less, if he would thus deprive C. of *his* right.

And this third person is no imaginary one. It presents itself, first, in the respectable form of the people of Schleswig, appearing with their laws and constitution, and their honest and valiant resolution to keep them. In the second place, that third person announces itself as a princely house, one whose claims are prior to those of Gottorp; for Gottorp, as we have seen, is the younger, or Ducal, line of the House of Oldenburg. But in the elder, or Royal, line there exists, besides the reigning family of Denmark, a second branch, that of the Dukes of Sonderburg, now represented by the Dukes of Augustenburg and of Glücksburg-Beck. This line of Sonderburg *never* renounced its rights, neither in 1721, nor at any later period: on the contrary, it reserved them expressly.

The Constitutional History from 1721 *to* 1846.

We believe we have fairly proved that the constitutional unity of the two Duchies was not only

most firmly established in 1460 between the States and their Duke, Christian I. King of Denmark, but was maintained on principle, during the sixteenth, seventeenth, and in the beginning of the eighteenth centuries.

But it was not only a union in principle or theory; it was during all that time, and has remained to our day, a most practical union.

The whole system and administration of justice have been continually the same. Both Duchies have the same law, and a common court of appeal, sitting at Kiel. The tariff and customs have in the same manner ever been the same, and the laws about the press equally. Denmark has her own code, her own tribunals, her own tariff and customs, and her own laws respecting the press.

At Copenhagen, the residence of the Duke, there has always been, up to the last month, a "German Chancery" for both Duchies: the Duchies themselves were called in the official language "the German lands of the King." In the same way, there was at Copenhagen a separate board for the customs of the Duchies.

These facts prove, in the first place, that the inhabitants of the Duchies were united not only in principle but in reality. What they defend in maintaining their indissolubility is not a theory or an antiquated state of things, but a real, continued, actual, and present inter-communion of political and social life, founded not only upon unity of

language, but upon unity in all the civil administration, in the administration of justice, in the most essential laws, as well as in the pledge of their union, the same law of succession.

In the second place, those facts prove that the Danish Court acknowledged, by its very official language, these "relations" between the two Duchies.

It is true that the regular meeting and the effective working of the United Parliament of Schleswig-Holstein became obsolete in the course of the last century. But it is well to add, that they became so subsequently to, and in spite of, the solemn promise made to the Schleswig States, a few days after the homage of 1721, by King Frederick IV., that "he would convene a Diet as soon as circumstances required it." Such were the habits of the time, more or less, throughout the Continent. Besides, the dynasty was more considered as a German than as a Danish one; and German influence was very high at Copenhagen.

Nothing was changed as to the relations of the two Duchies in the epoch between the dissolution of the German empire in 1806, and the downfall of Napoleon.

When, in 1815, after the restoration of European independence, the German empire was reconstructed in the form of a Germanic Confederation, of which Holstein was a member, the States of both Duchies partook in the reviving

feeling of nationality and constitutional freedom which pervaded all German tribes. They did so the more eagerly, as they had been obliged by the French politics of Denmark to fight against the German cause, and had suffered severely from all the evils which that policy brought upon Denmark and her finances.

They addressed petitions to their sovereign and begged to be regularly convened as before.

Unfortunately the Court of Copenhagen was at that time guided by absolutistic principles, and began to listen to the plans of the exclusive Danish party, which wished to consolidate all the possessions of the Crown into one indivisible monarchy.

Those petitions, therefore, had no effect.

The States of Holstein availed themselves, in consequence, of their right as members of the Germanic Confederation. They called upon the supreme federal authority, to insist upon their Duke fulfilling the articles of the Federal Act, which prescribes that all countries belonging to the Confederation shall have parliamentary assemblies. The Duke, on his side, declared he was preparing a constitution; and the Diet took note of this declaration, and insisted no further.

But, after 1830, King Frederick VI. thought fit to do something for the Duchies; and by his edicts of 1831 and 1834 constitutional chambers were erected, separately for Holstein and for Schleswig, not, as they had a right to expect, a united par-

liament. Still as the whole administration remained united in the manner above alluded to, and as no renunciation of their relations was demanded of them, but on the contrary these relations were, in the Edict of 1831, amply acknowledged by the King-Duke, the constitutional men of both Duchies thought best to accept what they could obtain at that time. In this manner the chambers of Holstein and Schleswig were established on the footing on which they existed till the last month.

But soon afterwards it became evident that a systematic anti-German Danish reaction endeavoured to uproot the ancient union of the Duchies. Danish officers, civil and military, inundated more than ever Schleswig and Holstein; the patriotic men were removed or kept aloof; traitors to the national cause were rewarded; Danish command introduced even into the contingent of the Germanic Confederation; even the private ships of the Duchies received the brand "Danish property;" almost all good guns were removed from the Schleswig-Holstein forts, and transported to Copenhagen; the liberty of the press was nearly annihilated; the sacred liberty of teaching in the national University of Kiel encroached upon; the right of petition almost denied in principle.

The explanation of this unfortunate policy is in the following circumstances.

The Letters Patent of 1846.

The temptation to overthrow the constitutional liberties of the Duchies grew of course stronger in Denmark, from the moment that the extinction of the male line of the reigning family became more than probable.

It is clear that the late King of Denmark might easily have prevented the disruption of his estates by establishing, in virtue of his absolute power, the male succession in Denmark. But whether an overthrow of the male succession in the Duchies flattered certain dynastic propensities and national vanities, or offered the additional attraction of the prospect of getting rid of ancient inconvenient constitutional liberties, this very simple means has not been adopted.

At the same time, the integrity of the present monarchy having been set down as an axiom of Danish policy, nothing remained but to crush the constitutional right of the Duchies, and to overthrow those two fundamental laws which we have mentioned, and under which we have proved that the reigning family holds the Duchies.

It can only thus be explained, how that ill-advised monarch attacked, all at once, in 1846, the law of succession in the Duchies, and their national liberties; and wantonly drew, besides, upon himself, as Duke of Holstein, the animadversion of the Germanic Diet, and the undivided enmity of the

German people, who felt that to no other nation but the German such an insult could have been offered without being instantly resented. Never a national voice rested upon a more complete knowledge of the points of constitutional law, so conscientiously and patiently examined for thirty years by a public, dignified, and triumphant discussion.

By his Letters Patent of 8th July, 1846, King Christian VIII. openly stated, as his conviction, that, as far as the Duchy of Schleswig was concerned, in consequence of the patent of the King of Denmark of 1721, and the homage then done by the States, the succession of Schleswig was that of Denmark.

This is equivalent with saying in plain English, that the fundamental law of Schleswig, according to which the male succession rules there exclusively, does not exist any longer.

The King then proclaims his intention to maintain his right; which means, in constitutional language, that, at the expiration of the male line, Schleswig is to remain with Denmark, whatever the fate of Holstein may be.

For, as to Holstein, "there are," says the King, "certain difficulties as to some parts of it, to establish with equal certainty the same right," which means, the right of the female succession.

It would be painful to us to be obliged to enter into a further criticism of this untoward document. We think it would be perfectly superfluous. King Christian's son, the present sovereign, has, as we

shall relate presently, given up openly what the father was believed to have given up confidentially. Holstein, said King Frederick the other day, cannot follow the female succession. We are satisfied with this declaration; but our account of what happened under Christian VIII. must continue.

As might be expected, both countries used all constitutional means to resist so flagrant a violation of their rights. The Danish Government employed, on its behalf, all means in its power to quench the expression of this constitutional feeling, by suspension of the Chambers, suppression of all free press, threats, and arbitrary arrests, and other illegal or at least very tyrannical proceedings against some of the most respectable men among the leaders of the people.

The *Schleswig* people had no other resources in defending their liberties than petitioning their Duke, the King of Denmark. This they used, but in vain; for the King declined to receive their petitions, and went so far as to deny to the Duchies altogether the right of petitioning him on the subject. He complained bitterly of the inopportune agitation of an eventual question, having to thank himself for the fermentation created by the refusal of a united Diet for the Duchies, and fearfully increased by his Letters Patent.

The States of *Holstein*, having experienced the same unconstitutional treatment, availed themselves of their federal right. Repulsed by their Duke, they petitioned the German Diet at Frankfort.

That supreme tribunal declared itself competent, as far as Holstein is concerned, by a very remarkable resolution, dated 17th September, 1846.

This resolution takes note of the declaration made by the King of Denmark to the States of Holstein on the 7th of the same month, by which he assures them, "that he does not intend to disturb or subject to arbitrary changes the independence of the Duchy, its constitution, and other relations (Beziehungen) founded upon law and usage."

This says, indeed, all needful, as far as promises go: for these "relations" are pre-eminently those which unite the Duchy of Holstein indissolubly to that of Schleswig. And indeed upon this very point the representative of the King-Duke at the Germanic Diet had made, in the sitting of the 7th September, 1846, the following declaration:

"His Majesty has not had the remotest idea of bringing about any change in those relations which unite the Duchy of Holstein with the Duchy of Schleswig. On the contrary, the continuation of these relations is acknowledged by the Letters Patent in the same words which have been used on that point in the General Law of 25th May, 1831.* That union consists essentially in this,

* Bundes Protocolle von 1846, p. 674. "Seine Majestät haben eben so wenig daran gedacht, irgend eine Veränderung in den Verhältnissen herbeizuführen, welche das Herzogthum Holstein mit dem Herzogthum Schleswig verbinden. Vielmehr findet die Fortdauer dieser Verbindung im Offenen Briefe mit den nämlichen Worten ihre Anerkennung, welche deshalb im Allgemeinen Gesetze vom 27. Mai, 1831,

that *the two Duchies have all the relations of public law in common*, with this exception, that Holstein alone is a part of the Germanic Confederation, and that it has a separate Parliament, *besides the political connexion existing between the Knights of Schleswig-Holstein. The two Duchies have a common or a homogeneous legislation and administration*, as far as constitutional peculiarities of either of the Duchies do not establish an exception; peculiarities which are also mentioned in § 4. of the General Law (of 1831)."

By referring to this declaration of the King, the Diet, as M. de Gruner observes, reserved to itself the right of deciding hereafter how far those promises had been kept, and those official and solemn declarations attended to, if the Duke and the States of Holstein could not agree.

In the meantime, the Diet cannot forbear to tell the Duke in that resolution, that to deny flatly the undoubted constitutional right of the States of Holstein to petition their sovereign, is *not* in accordance with the federal law.

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gebraucht sind. Sie besteht ihrem Wesen nach darin, dass beide Herzogthümer bis auf Holsteins Eigenschaft als Bundesstaat, und die abgesonderte Ständeversammlung neben dem Socialnexus der Schleswig-Holsteinischen Ritterschaft, bei gemeinsamer oder gleichartiger Gesetzgebung und Verwaltung, so weit Verfassungseigenthümlichkeiten eines jeden der beiden Herzogthümer hiervon keine Ausnahme begründen (wie solche auch durch den § 4. des Allgemeinen Gesetzes vorgesehen sind) alle öffentlichen Rechtsverhältnisse mit einander gemein haben.'

The Acts of the present King of Denmark.

It was then believed by many, that the King of Denmark, thus gently, although unmistakeably, admonished by a highly monarchical Diet, as to the unconstitutionality of his proceedings, would let the Letters Patent drop altogether, and look out for another mode of maintaining, if possible, the integrity of his dominions, without infringing sacred rights which every year became dearer to the Duchies, in consequence of the systematic attack made upon them.

When, a few months ago, King Christian VIII. died, Frederick VII., his son, having ascended the throne, published on the 28th of January a proclamation, which would seem to hold out a fair hope of conciliation.

A general Parliament of all component parts of the monarchy was to be formed, and an equal number of experienced and enlightened persons were to be elected by the Kingdom and by the Duchies, to meet at Copenhagen, there to be consulted respecting the fundamental points of the future constitution. It was said, that the Provincial Parliaments of the Duchies and of Iceland were to be preserved, as to their respective provincial interest. But not one word was said to reassure the Duchies as to the vital points, the succession and union. The Parliaments of the Duchies were put together

with that of Iceland, which is nothing but a province of Denmark. It was only too much to be feared, in consequence, that the plan now proposed by Frederick VII., but prepared by Christian VIII., was nothing but the execution of the project which the late French government had recommended for some years, and, as it appears, with a decided promise of French support against any claims of the Germanic Diet and the German nation. A general Parliament was to be, according to that project, the bait to make the Duchies give up their independence. At the same time, the public papers proved that the violent and exclusive Danish party in Copenhagen insisted upon the immediate execution of the project which the Letters Patent of King Christian VIII. had disclosed, and, in particular, upon *the immediate incorporation of Schleswig into Denmark.*

Under these circumstances, the people of the Duchies could not but feel alarmed by that summons, unaccompanied as it was by any clear assurance as to the constitutional rights they possessed for so many centuries, and were more than ever resolved to maintain.

They accepted, therefore, the summons, and proceeded to the election of the Delegates, with an explicit assertion and reservation of their rights. The Delegates of the Duchies set out for Copenhagen about the 20th of March.

Unfortunately the apprehensions of the Duchies

were only too soon realised. The King, urged by the extreme exclusive party of his Danish people, who brought about a sudden change of his ministry, returned to the Delegates of the Duchies an official answer, on the 24th of March, in which he openly says that he intends "*to strengthen the indissoluble union of Schleswig with Denmark* by a common free constitution."

This, in plain English, means nothing else but that "the King of Denmark abolishes, as far as his power goes, with one stroke of the pen, the two fundamental laws of the Duchy."

First, that of the male succession under which he himself holds the sovereignty, and under which, and in consequence of the formal acknowledgment of which, his predecessors, down from Christian I., held the same.

Secondly, by the same act the King takes away from Schleswig its constitutional right to be indissolubly connected with Holstein.

As to this Duchy, the King evidently feels the necessity of giving up his father's plan for a union of Holstein with Denmark. But only the Royal proclamation of the 29th expressly states that such a plan of union existed, but has been given up. In the answer to the Delegates the King makes the granting of a peculiar administration and of separate finances to Holstein dependent, among other conditions, "*upon a union with Denmark and Schleswig.*" These ambiguous words mean either

a union of Holstein with Denmark and Schleswig, or one between these two latter countries alone. We shall be glad to give them the most favourable interpretation. In both cases, we confess, we have to protest against the assumption of the right to incorporate Schleswig with Denmark; an incorporation which the modern Danish advocates and documents sometimes assert to have been achieved in 1721, sometimes announce as having to take place still. But we are afraid the assumption is as bad, as far as Holstein is concerned, as it is in respect to Schleswig. The precise words of the Resolutions of the 24th of March are: "Our Duchy of Holstein, besides a peculiar government and military armament, should likewise have a separate exchequer, as soon as the mutual arrangements (*including, among other conditions, a union with Denmark and Schleswig*) shall have been consolidated."

There is, indeed, much good in these words — we mean for the cause of truth. They express an open acknowledgment of some of the wrongs, so long and, in later times, so cruelly inflicted upon Holstein. All which is promised here, she ought to have had all the time; as Hanover had it during the sway of the reigning line of Great Britain; as Luxemburg has it now, although her sovereign is King of Holland.

This acknowledgment of wrong is good in itself, and it serves well the good cause.

But, nevertheless, the fact remains: Holstein is not to have justice done to her until she has given up her first and fundamental right. The plan of perfect union is to be given up; but Holstein is to submit to the subversion of the law of the land, as far as the right of succession is concerned. She is to submit to what she has declared her intention never to submit to; and Germany is to bear, with her proverbial patience, the most glaring violation of the rights of the Confederation, and the most daring contempt of the authority of the supreme federal tribunal which pronounced upon that case in 1846. The bold and cool assumptions of the Letters Patent were then explained away: no such thing was ever thought of: so the Duke assured his people of Holstein, and so the Duke's representative assured the Diet. It was prudent to do so then; a contrary course might have led to a contest; but if this course was good at that time, it would have been a thousand times more advisable now than in 1846. Alas! Frederick VII. is as unjust and as despotic as his father: but he is less prudent; he has less regard for the peace of Europe. The Letters Patent confessed there was some uncertainty, "as to some parts of Holstein," whether, indeed, they had to go by the female line. For this confession we can give him no credit; for, whatever the relative merits of different claimants of the male line are,

the female line has evidently none, as it has been proved over and over again.

But still there were scruples — and there were regards — at all events, the plan was not executed. Better times were to be expected: meanwhile, the faithful subjects were not to speak of the matter to their sovereign ; for it was highly disagreeable to him, and it did not at all concern them.

So much for the resolution of King Frederick's government on the 24th of March. It is still signed by a member of the old ministry, although evidently written under the impulse of the extreme Danish party.

We now come to the act of the new ministry, the Royal Proclamations to the Holsteiners and Schleswigers, of the 27th and 29th of March.

The Proclamation to the Holsteiners protests against the Provisional Government established under the pretext that their Duke was not free. He says, that, if they send him a message of obedience, all he has promised shall remain in full force. Now, we have just seen what he has promised. He has promised to execute his father's design of introducing the female succession into Holstein. But he does more; he announces that he will soon be "at the frontier of the kingdom" with his army.

We understand that the new ministry pretend they give up the project of Letters Patent as to Holstein. They will not introduce the female suc-

cession into Holstein. That Duchy will, at the extinction of the male line in Denmark, follow the next male heirs. But the Proclamation of the 29th does not authorise us to believe that assertion. Besides, if they did, how could they for one moment maintain the right of doing so, by an equally despotic and unconstitutional act, in Schleswig, as both Duchies have the same right and law of succession? Holstein has that right, not *because* she is a member of the German Confederation; she has it on the ground of her own constitution; and she has it, and maintains it, in common with Schleswig, the sister Duchy, with which she is indissolubly connected.

Now, let us see what the King-Duke says to the men of Schleswig in the Proclamation addressed to them. It is as important for Holstein as it is for Schleswig.

We first remark, that, as to Holstein, the Danish sovereign speaks as "their *Duke:*" but he addresses the men of Schleswig as "their *King.*" This is significant. We have shown that the Kings of Denmark hold and always held the Duchies, not as Kings but as Dukes; and that they held and hold them by the same tenure, under the same law: not a law which the Kings of Denmark have given to the Duchies, but a law they have found, they have promised and sworn to preserve, they have acknowledged, as late as 1846, and alas! they continually have tried to undermine, and lately to violate.

But let us hear what "their King" has to say to the inhabitants of his Duchy of Schleswig.

"Holstein," he says, "as a member of the Germanic Confederation, claims to receive its own constitution. That such a constitution shall be granted, I have passed my Royal word; and the constitutional unity which I had hoped to bring about must therefore be abandoned."

It may appear strange to an uninitiated reader why the Proclamation to the Schleswig people should begin with this historical account of what has happened with regard to Holstein. But the reason is clear, if we look a little more closely into the component parts of the Danish project. First, their King tells the men of Schleswig by these words, that they must not claim or expect what Holstein has claimed and has obtained. Holstein, says the King, claims its own constitution as a member of the Germanic Confederation. But here we must beg His Danish Majesty's pardon: Holstein does not claim, nor did she ever claim, her constitutional rights, on the ground that she is a member of the Germanic body. If the German Confederation were to cease to-morrow, poor Holstein would certainly lose her best defence against despotic claims, but she would not lose a single right on all points at issue between her and Denmark. She claims, and has possessed for many hundred years, three rights: that of being a state in her own right; that of being indissolubly united with Schleswig; and that

of being ruled by the male line of the House of Oldenburg. What, in the name of truth, has that to do with Germany? But it has to do much with the Danish project. It is the great and fundamental fallacy by which Denmark, after having tried in vain to deceive the inhabitants of her Duchies, now tries to deceive Europe.

And Schleswig too. In seeming to announce an act of condescendent and transcendent bounty, the King, in fact, announces "that he has done exactly the contrary of what they wished and wish, and of what they are ready to die for."

Holstein claims its own constitution? It does no such thing. It claims a constitution in common with Schleswig; it did so in the years from 1815 to 1831: it protested against a divided parliament; it accepted the scanty gift of a provincial parliament, in 1831 and 1834, only with reluctance, and only upon sacred promises that the "union with Schleswig" would not be endangered by such a measure.

What the King says Holstein claims, she disclaims most strongly, and so does Schleswig (*Almea*). To the men of Schleswig, now, the King proceeds to say thus: —

"To you, men of Schleswig, I have declared, and hereby again declare, that, *in union with Denmark*, you shall now obtain a free and popular constitution." Here the words, *in union with Denmark*, express that which the Schleswigers dreaded, and

even those of Danish origin, at least hitherto, declined; that against which the Schleswig people have protested and petitioned for years, against which they at last have risen, when the act was to be immediately consummated; that, finally, for which they are resolved to fight — to die. We do not wish to cavil at the promises held out to them on condition of their submitting to the sacrifice of that constitutional right, of that political liberty, they are, above all, not only entitled to, but also resolved to maintain. We shall only say that the King promises them nothing but part of what is their due. They are to have a Diet of their own "*conjointly with their common constitution with Denmark;* an administration of their own, and courts of their own; a like share in the burdens of the state, in proportion to the population; a just application of the surplus revenue; and an equal right of using either the German or Danish language in the General Assembly and in their own Diet." They have for centuries, as we have shown, had their own codes, laws, usages, and the custom and privilege of a common court of appeal at Kiel; if they, in the latest times, had not all the rest, it is simply because it was tyrannically withheld from them, one thing excepted — the right of sending members to a General Diet of the Danish monarchy, which they not only did not possess, but against the very idea of which they have protested, even lately, by their Delegates. "The King" has given up

forcing upon Holstein such a participation; they seem not to be forced to accept the Danish law of succession. This circumstance, however, modifies the plan originally announced by the Proclamation of 29th January, which held out an equality of votes for the Kingdom on one side, and for the Duchies on the other. As the Danish project stands now, the deputies of the Duchy of Schleswig, at the General Danish parliament, would form only a powerless minority.

There is, therefore, a modification in the project, but it is neither in favour of Holstein nor of Schleswig.

There is also a modification in the argument, but it is not in favour of Denmark. If Holstein has a right to a separate constitution and parliament, Schleswig has likewise; if Schleswig has not, neither has Holstein.

As to the point at issue respecting the succession, we cannot see any change.

This is our interpretation of the recent acts of the Danish Government. We believe it to be fair: we find it difficult to understand how another can be adopted.

Other acts we know none.

Conclusions from the Facts hitherto considered.

We believe we have carried on our constitutional enquiry with a conscientious impartiality. We

have omitted no fact which is important : we have brought forward every argument of the Danish advocates which seemed to us worthy of serious consideration. We have omitted none which did not appear to us given up by those who have treated the question with the knowledge of facts it requires, and with the dignity and absence of personalities it seems to us to demand. We believe it is better, not only for the sake of peace and conciliation, but also for the honour of the Danish crown, that we are spared further details. The principal conclusion at which we have arrived, as to the state of constitutional right, from the earliest times to the Letters Patent of 1846, are the following : —

I. The Kings of Denmark hold the two Duchies under one and the same formal engagement respecting the fundamental law, by which the Duchies are independent states, one exactly as much as the other; by which they are indissolubly connected politically, as states, with each other; by which they are always to have the same law of succession, which is that of the male line.

II. This fundamental law has not only never been abrogated, but has, in all periods, been acknowledged.

III. This fundamental law has produced a practical intercommunion of political and social life, which is (with a partial exception in North Schleswig) entirely in accordance with their common

nationality, in language, literature, worship, and instruction.

IV. The only irregularity in this their legal, actual, practical union is, first, that they are deprived, by the acts of 1831 and 1834, of one common parliament, and that Holstein alone belongs to the Germanic Confederation.

V. It is contrary to historical truth to say that the constitutional rights of Holstein, with respect to Denmark, are based upon her being a member of the Germanic Confederation. She has ever possessed, and possesses them, each and all irrespectively of this circumstance.

VI. It is still less reconcilable with historical truth and candour to assert that the liberties the Duchies possess are the gift of the Crown of Denmark; the fact being, on the contrary, that Denmark has done all in its power to undermine, impair, and curtail them.

VII. Since the restoration of European independence in 1815, the states and inhabitants of both Schleswig and Holstein have always held the same language of loyalty, but also of frank assertion of their rights.

This is, according to our conscientious conviction, the verdict of history up to 1846.

As to the acts of King Christian VIII. in that year, and as to those of his son and successor Frederick VII. in the present year, we believe we have established the three following points: —

I. The Letters Patent of King Christian VIII. declare the intention of the King to incorporate Schleswig, and his doubts as to his right of doing the same in some parts of Holstein.

II. Frederick VII. began his reign in January last by offering the bait of a common constitution for effecting the desired project. Having failed in this, he declared, on the 24th of last month, conformably to the loudly pronounced opinions of the extreme Danish party, his intention to incorporate Schleswig immediately, and to insist upon the union of Holstein with Denmark, as the condition of granting her other claims.

III. In doing so, therefore, Frederick VII. violated, most glaringly, the vital constitutional rights of both Duchies, who, upon the unmistakeable signs of impending military attack upon their liberties, established a Provisional Government to act in the name of their Duke.

If anything more were wanted to prove that the Danish government has never ventured to deny the uninterrupted continuance of the intimate political connexion between Holstein and Schleswig, the following official document, which comes to hand at this very moment, would convince even the most incredulous.

In the sitting of the Germanic Diet of the 2d of this month, destined to discuss the Schleswig-Holstein affair, the Prussian Envoy referred in

particular to the Declaration made to the Diet by the late King of Denmark on the 7th of September; and especially to that remarkable passage which we have given above, in English and in the original, in which it is expressly acknowledged, "that the two Duchies had all political relations in common."

The reply of the Danish envoy to this observation was, according to the official *procès verbal* of the sitting, given in the following words:

"The Envoy made the following statement with respect to the instructions he had received, and to the statements he had just heard made. It was true that the connexion between Holstein and Schleswig had been recognised and confirmed by the Danish Government also in modern times; in particular in the Declaration made to the Diet on the 7th of September, 1846, to which Prussia had referred. Still, the passage referred to had no other purpose but to enable the Diet to exercise a tranquillising influence in the Duchies also by that recognition. It had not been the intention to acknowledge the competency of the Diet, as to that connexion between the two Duchies. Denmark had not conceded such a competency to the ancient Germanic Diet either.

"As to the present measure, the union of Schleswig with Denmark had been resorted to on account of the Government being of opinion that, if the

present connexion was to be maintained, Schleswig necessarily would have entered into an infinitely more distant relation to Denmark, in consequence of the concessions which had been made to Holstein in order to allow her to partake of the unity of Germany. In short, Denmark would in that case have been obliged to accede to the German Confederation for Schleswig also, and this would have been perfectly impossible, on account of the extremely excited Danish national feeling, which had been irresistibly manifested in the metropolis."

The Right and Duty of the Germanic Confederation.

The enquiry in which we have been engaged hitherto has nothing to do with the relation in which Holstein stands to the Germanic Confederation. Holstein possesses three rights in common with Schleswig, that of being a state in its own right, independent of Denmark, that of the indissoluble union of the Duchies, and that of the male succession: but it does not at all possess them, *because* it is a member of the Germanic Confederation. Its right is not stronger on account of its being supported when attacked, by that Confederation. The right of Schleswig is neither less clear nor less sacred, because it has no other defence but itself and the determination of the inhabitants to maintain it.

It is essential to keep to this very simple and indisputable fact. Much confusion and much unnecessary heat of discussion would have been prevented if this point had always been kept in mind.

Having said so much, we now shall have to discuss *the right and the duty of the Germanic Confederation* to speak and act in this matter, and to assist in the settling of disputes so wantonly and so inopportunely raised by two Kings of Denmark.

The Germanic Diet has declared itself competent to decide supremely as to the constitutional and federal rights of Holstein. The Diet has besides (as stated before in detail) taken note of the late King's promise to respect the constitution of Holstein and all her "relations" founded upon law or usage.

Nobody can dispute this extent of her competency, and perhaps even of her imperative duty.

The whole position of the Germanic Confederation in this case may be illustrated by two quite analogous cases.

The electorate, and afterwards kingdom, of Hanover had been governed by the same sovereign, since the accession of George I. to the throne of Great Britain. At the death of King William IV. they were separated, the male succession being established in Hanover, whereas the female succession is admitted in England.

Did the English government or people ever feel the slightest doubt as to this point? And cer-

tainly the dynasty at least might have wished to retain such a union. But neither at Vienna, where English-Hanoverian influence was paramount, nor at any earlier or later period, has the slightest attempt been made to prolong the union beyond its legal terms.

Has the King of Denmark more right to do so, because he wishes it, or because indeed it may be desirable, in a point of English or European policy, that Holstein and Denmark should remain united?

He certainly neither has nor can have: and he gives it up himself, but only after the Duchies have declared themselves, as it were, independent, by establishing a Provisional Government, and after the German nation has taken an attitude more proper to enforce the rights of the Confederation, and of a people so long considered as a convenient means to indemnify Princes or to gratify foreign policy.

But *what is right to Holstein is right to Schleswig, in a constitutional point of view.* Among Holstein's constitutional rights, that which she does not prize the least is the right of being indissolubly united with Schleswig; and it is her sacred duty, as well as her interest, to defend the corresponding claim of Schleswig.

Here, too, a possible case in point can be quoted.

The King of Prussia is sovereign of two countries contiguous to each other, one belonging to the Confederation, the other not; exactly as the

King of Denmark is Duke of Holstein and of Schleswig. The King of Prussia is, at the same time, Grand-Duke of Posen. Suppose he established in this Grand-Duchy the right of female succession, in the manner in which it is admitted in England, and declared his intention of introducing that order of succession into the kingdom proper (which hitherto is not a part of the Confederation), against the right and wishes both of the provincial States of Kœnigsberg and those of Berlin and Cologne. Suppose, further, that the provincial States of those countries, which are members of the Confederation, called upon the Diet to protect them, according to the Federal Act; would the Diet not be bound, or, at least, not have the *right*, to assist the Germanic portion of Prussia in their efforts to prevent such a disruption? And if Kœnigsberg were threatened with an invasion, in consequence of its adherence to the indissoluble union between the two component parts of the monarchy, would the Diet not have a right to consider such an invasion as directed against an undisputed right of one of its members, and to assist this member in an act of self-defence? Substitute Holstein for Brandenburg, Schleswig for Prussia Proper, and Posen for Denmark, and we have, not a hypothetical, but a real, only too real case.

We now come to the part taken by the *King of Prussia* in this affair.

The Duke of Schleswig-Holstein Augustenburg,

as the first representative of that branch which, with the reigning house of Denmark, forms the royal (or elder) line of the house of Oldenburg, and as advocate of the claims of the Duchies, went to Berlin, in order to explain to the King how the attitude of the exclusive Danish party became more and more threatening against the Duchies and their indisputable rights.

The King stated to him, in an answer dated 24th of March, that in consideration of the resolution of the Germanic Diet of 17th of September, 1846, he, the King, had already declared at the Diet at Frankfort his conviction, that the Germanic body was entitled to take the defence of the three indisputable rights of the Duchies:

First. That of being States independent of the kingdom of Denmark.

Secondly. That of being indissolubly connected with each other.

Thirdly. That of the Duchies being ruled exclusively by the male succession.

The King adds, he still indulges the hope that it will not be necessary to have recourse to arms; those three claims not violating in any way the rights of the kingdom of Denmark. Should, unfortunately, the Duchies be attacked, he, the King, trusts his confederates will hasten to their defence, as he is ready to do himself.

Indeed the members of the Confederation, constituting with Holstein the tenth corps of the

federal army (Hanover, Brunwick, Mecklenburg, Lüneburg, Oldenburg, and the Hanseatic towns), have declared themselves ready to march to the assistance of the Duchies.

The King of Prussia himself lost no time in ordering his minister at Frankfort to lay the whole case before the Diet there assembled, and to recommend it to the most earnest consideration of the same.

The Germanic Diet has, without delay, taken the matter into consideration, and has come, on the 4th of this month, to the following important decision:

"*First.* The Diet declares, in conformity with Article 38. of the Final Act *, that a danger of attack exists for the German federal land Holstein; and the Diet announces its full acknowledgment of the preliminary steps taken by Prussia and the States of the tenth corps of the federal army, in order to protect the federal frontier in Holstein.

"*Secondly.* The Federal Diet, in order to secure unity in directing the military measures which may be found necessary for that purpose, calls upon Prussia to come to an understanding upon this point with the States of the tenth corps of the federal army.

"*Thirdly.* The Federal Diet is ready, in order to prevent bloodshed and to arrive at a friendly

* The Final Act here referred to is that of 15th May, 1820, signed at Vienna by the members of the Confederation.

understanding, to charge itself with the mediation. It calls upon Prussia to undertake this affair of mediation in the name of the Germanic Confederation, upon the basis of the unimpaired rights of Holstein, in particular upon that of the right of the political union with Schleswig.

"The Diet, in proposing such a mediation, supposes it as understood by itself, that hostilities cease forthwith, and that the *status quo ante* be restored."

The Diet, therefore, speaking in the name of all the German powers, and expressing the unanimous sentiment of the whole German nation, has sanctioned the provisional measures adopted by the King of Prussia for the protection of Holstein against the danger of an imminent attack. The Diet is ready to enter into a friendly understanding with the King of Denmark, and charges the King of Prussia with the necessary negotiations.

It prescribes to him at the same time the basis of such mediation. The rights of the federal land must be preserved entire, and, above all, that of its indissoluble political union with Schleswig, as it has existed through six centuries. Cessation of hostilities and restoration of the *status quo* are of course named as preliminary conditions.

Now, since that time, two Prussian regiments have, on the announcement of the Danish army marching into Schleswig, taken up, on the 5th, their position at Rendsburg, at the frontier of

Holstein, towards Schleswig; and the Hanoverian troops theirs on the frontier of the kingdom towards Holstein, at Haarburg. The vanguard of the Danish troops, on their side, have occupied North Schleswig, and taken possession of the island of Alsen, where they have put under sequestration the estates of the Duke of Augustenburg.

The restoration of the *status quo ante*, therefore, can mean nothing but that the King of Denmark (whose head quarters are said to be at Fredericia in Jütland, near the Schleswig frontier) withdraws his troops out of Schleswig into Jütland, and the King of Prussia likewise his out of Holstein. This latter condition, however, would suppose an understanding between the Duke of Schleswig-Holstein and the Provisional Government, which has taken up the administration in his name, declaring at the same time, that they intend to keep it only as long as they would have to consider their sovereign as acting under constraint. As such an acquiescence is scarcely to be expected, the federal troops cannot consider Holstein out of danger, and must therefore keep the line of the Eyder. Prussia, in this case, will be forced to insist upon the King of Denmark withdrawing his troops at least out of German Schleswig.

This, then, is the character of the communication which Major von Wildenbruch will have been charged to make to the King of Denmark.

No other basis could, *bonâ fide*, be offered, in the

name of the Germanic Diet, by Prussia to England, if that power would declare herself disposed to assist in the mediation of this constitutional question.

The Provisional Government has been acknowledged in every part of the two Duchies, and the population is in arms against the incorporation, which is not even liked by the Danish peasants, forming the great bulk of the population of the northern districts of Schleswig.

This last circumstance proves better than any thing else that the popular opposition to the Danish plan of incorporation is not the work of a "German propaganda," but has sprung up in consequence of despotic claims and arbitrary measures of the Danish government; and, finally, that it is kept up by a general feeling of constitutional right and nationality in the two Duchies, and by a firm resolution of their inhabitants to uphold with their blood those sacred rights maintained for centuries, and defended by them and their fathers against the inroads and attacks of despotic power.

The Right and Obligation of Great Britain, in consequence of the Guarantee of 1720.

It will now only be necessary to add a few words respecting the often alleged pretended *guarantee of Great Britain* and France, given to the

King of Denmark as to Schleswig in the year 1720.

The historical account of the transaction alluded to is given in M. de Gruner's treatise. The Gottorp, or younger, line of the House of Oldenburg had obtained, with the assistance of Sweden, during the ascendancy of that power, possession of Ducal (principally a part of Northern) Schleswig, where it claimed an exclusive right of government, as it claimed in other districts the right of co-regency with the Danish line. Feuds and wars of the two houses were the consequence. In 1713 Denmark occupied the whole of Ducal Schleswig. After the fall of Charles XII., Sweden gave up the protection of the Gottorp line, and offered to make peace, under the mediation of England and France, with the understanding that Sweden would in no manner oppose whatever might be stipulated regarding Schleswig in favour of the Royal line.

The Duke of Gottorp, refusing to give up his claims, the two mediating powers guaranteed to the King of Denmark the peaceable possession of that part of Schleswig which Denmark then occupied, and on which the Gottorp line had claims.

The words of the English Guarantee of 26th July, 1720, are: "To guarantee and to maintain in a continual and peaceable possession that part of the Duchy of Schleswig which His Danish Majesty has in his hands."

It is clear, according to these facts, and to the undisputed axioms of public law:

1. That *the war* in Schleswig, to which the peace of Friedrichsburg put an end, was *not one of Denmark against the people of Schleswig*, but a war between two Schleswig-Holstein princes of conflicting claims: Denmark, therefore, cannot put up claims against the people of Schleswig by right of conquest.

2. That the *object* of the Guarantee is not at all the whole of Schleswig, but *principally that part of Northern Schleswig* over which the Gottorp line claimed distinct sovereignty.

3. That the Guarantee given to Denmark is not, and cannot be, one *against the people and their rights, nor against other third parties*, having at any future contingency legitimate claims upon that part of the Duchy against the reigning family in Denmark.

If, therefore, the female line comes to reign in Denmark, and the people of Schleswig insist upon their right to have a Duke taken from among the representatives of the male line, the English Guarantee can by no means be called upon in defence of the pretensions of Denmark.

And if there are such representatives, and such as have not renounced, and have claims prior to those of the House of Gottorp, it seems very doubtful whether, *even for that part of Northern Schleswig*, the possession of which was guaranteed to Denmark by England, and finally renounced by the Gottorp

line through Paul I., any claim can be raised by Denmark for England's acting upon that Guarantee of 1720.

For, in fact, the Guarantee must be supposed to have ceased when it lost its object. This it clearly did in 1773, when those claims of the House of Gottorp were renounced, against which that Guarantee had been demanded and given.

BUNSEN.

POSTSCRIPT.

London, 15th April, 1848.

THE die is cast.

The King of Denmark has not listened to the Propositions of Prussia which we have explained above, and which were made on the strength of a recent Decree of the Confederation, based upon that of 1846 and all the conscientious sifting and weighty official deliberation of preceding years.

The Danes, as the public papers report, attacked, on the 9th of this month, the national forces, which had taken up a defensive position near the sea, in front of the German population of the Duchy of Schleswig.

The Danish army carried this position after a sanguinary battle, and the King has entered the city of Flensburg, situated about twenty-five miles

from the frontier of Holstein. The national forces are not in a state to prevent their marching to the frontier. Holstein would be equally defenceless, and lose her constitutional rights, without the federal support.

It is right to observe, that the Danes gained the victory by an overwhelming force of 14,000 regular troops, with a numerous cavalry and fifty pieces of field artillery, supported by the fire from their ships. The Schleswig-Holsteiners had only 10,000 men, all infantry, 8000 of whom were volunteers. They had scarcely any cavalry. They had no artillery, except a dozen iron twelve-pounders; all their good brass guns having been, during the last few years, carried away to Copenhagen. Finally, they had scarcely any artillery officers; the Danes having arbitrarily removed from that corps the native officers, and replaced them illegally by Danish officers, who, of course, had left the army of the Duchies before hostilities began.

The last proposals of the Prussian Commissary were: that the King of Denmark should withdraw his troops behind Glücksburg, Flensburg, and Tondern; which is, according to what we have stated before, equivalent with saying that he should withdraw them from German Schleswig. Thus that part which is the undoubted and unconditional object of contest, and the necessary basis of a mediation, would be left unoccupied by either army.

If these Propositions are rejected, the troops of the Germanic Confederation must at this time

be in Schleswig. They have seen a Danish army arrive near the frontiers of the Confederation—an army destined to destroy constitutional rights against which arguments had been found wanting. Nobody who judges dispassionately will say that the decree of the Diet has been carried out with precipitation, or that the Prussian government's provident measures are too strong or not called for. The general feeling of Germany goes decidedly the other way. They blame the delay. To wait one moment longer, would be indeed to stultify Germany. Fully knowing that Holstein has the duty to defend a right which involves at once her whole social, national, political existence (for she has no right, if Schleswig has none), and the security of the frontier of the Confederation, the government and people of Germany cannot and will not allow the object of dispute, and the basis of mediation, to be lost before the eyes of Germanic troops. She has, through Prussia, offered her own mediation, and she has declared her willingness to accept the good offices of England. But things having come to these extremities, she cannot henceforth, after the bloody contest has begun by the rash and regardless advance of the Danish army, allow herself to be swayed by any other political consideration than that of the clear constitutional right of Holstein and the Diet, and by a due regard to the honour, the right, the duty, of the German nation.

The King of Denmark, in beginning the war, has

loaded himself with a great responsibility. He has done so with a full knowledge of the consequences, as to Schleswig, as to Holstein, as to Germany, as to Europe. He knew that if he abstained from attempting to subdue by force of arms the constitutional movement in Schleswig, an equitable mediation would be gladly accepted. Every body who looks at the map and studies the case will immediately perceive what that basis is. It is not now our province to enter into its nature. It is self evident to whoever will open his eyes. The King of Denmark must have been aware of it, if he allowed himself a moment of calm consideration. He has entered Schleswig with the avowed and repeatedly proclaimed intention of annihilating, by immediate incorporation, those rights for the maintenance of which both Duchies have risen, after years of unrelenting provocation and persecution. He knows the disposition of the inhabitants. He is even with his victorious army surrounded on all sides by a guerilla warfare, carried on by the Angles, the Saxons, and the Frizes. The most brilliant military success of his army against these countries can hold out to him only the prospect of ruling by military force over disaffected populations, whom thirty years of persecution, following a century of systematic undermining of their liberties, have at last driven to despair. He has entered Schleswig, besides, with the full knowledge that such a military proceeding must

be the signal to the Germanic Confederation to defend in Schleswig the right of Holstein to remain united with the sister Duchy; a right not less important to the whole body of Germany, as securing the frontier, than precious to that one of her members which is directly concerned in the attempt of putting it down by force.

Contrast with this precipitation, the attitude of the Provisional Government in the Duchies. While the King of Denmark prepared to settle a constitutional question by a "*fait accompli*" (which may turn out to be one of a few days or weeks), answering the constitutional claims of the population in the spirit of the famous word of one of his present counsellors, "that it is necessary to write with the sword, the Danish law, on the backs of the Schleswigers and Holsteiners," that Provisional Government has, throughout, acted with the greatest moderation. It has appealed not only to the feeling of right and justice among the patriotic population, but also to their love of peace and conciliation.

This is particularly proved by an appeal to the Danish people, of the 31st of March, in which the Provisional Government proposes to them that a fair liberty should be given, by both parties, to the Danish population in the northern part of Schleswig (that is to say, in the land north of Glücksburg, Flensburg, and Tondern), to declare their mind. If the Danish majority should be

inclined to become a *Danish* Duchy by being incorporated with Denmark, after it had received the provincial rights promised by the King, and after the rights of the German minority had been secured, their German brethren throughout Schleswig and in Holstein, would never throw difficulties in the way of such an arrangement.

The right of Holstein, they say, to remain indissolubly connected with Schleswig, goes to the whole Duchy; and so does Holstein's duty not to forsake her sister. But the Provincial Government wishes to assure the Danes, that out of love for peace, and out of respect for Danish nationality, they, the German Schleswigers and the Holsteiners, would be ready to bring that sacrifice if their countrymen of Danish origin would make such a proposal. They would, in other words, not oppose the plan of having, besides the German Duchy of Schleswig, indissolubly connected in future as it has been for six centuries, a Danish Duchy, in North Schleswig, which would comprise a highly respectable German minority, two considerable German towns, and numerous noble estates belonging to families of German origin and tongue, spread along the coast.

It may be added, that the most influential papers of constitutional Germany express most earnestly the same feeling, and make the same proposal. The leading article of the first Prussian Journal, the *Cologne Gazette*, of the 12th inst., may be

quoted as a fair specimen of the German view of this proposal for peace and conciliation.

Germany has declared, through Prussia, her willingness to accept the good offices of Great Britain, for the peaceable and speedy settlement of the constitutional questions we have hitherto treated. Prussia and the whole of Germany are certain that the English government, if it undertakes that office of friendly mediation, will discharge it with perfect impartiality. It will judge the case only on a full knowledge of the facts, and after a due appreciation of the arguments on both sides. It will decide the controversial points as to questions of political and national law, with that noble regard to constitutional rights, and to the duty and authority of a federal government, which it has displayed so brilliantly, and with such just and triumphant success, in late European transactions.

We have the same confidence as to the final verdict of the public opinion of the people of England, and as to its powerful organs in the periodical press. No clear statement of the real facts, of the constitutional rights and precedents of the Duchies ever has been published as yet in England. The general impression is, in this country, that it being desirable Denmark should not be weakened, "the integrity" of the Danish monarchy should be upheld; therefore, the "squabbles" of a certain party in the Duchy should be put an end to. Much has

been said to elevate these vague impressions into political reasonings, and much has unfortunately been added, on Danish inspirations, of a mere personal and abusive character, contrary in itself (as we are convinced) to historical truth, and, besides, quite foreign to the great reality of the case. In the last weeks another impression has besides acted upon the feeling of a public left in such entire ignorance of the facts of the case. The peace of Europe is threatened by war on every side: war has begun in Lombardy. Why a new, unnecessary complication on the shores of the Baltic? Why does the Germanic Confederation interfere? What right has she to meddle with Schleswig, a province of the kingdom of Denmark, like Jütland? Why disturb by dangerous encouragement of insurrectional movements, or even by ambitious projects, the whole trade of the Baltic, and compromise the peace of Europe? Why, in one word, depart from the great principles of peace and of non-interference? We believe we have not misstated the course of reasoning, or rather of impressions, among a public which, to say the least, is very incompletely informed of the facts and merits of the case. For we cannot call reasoning what is based upon assumptions opposed to facts and arguments of national right and of constitutional law. We are sorry to be obliged to say that these wrong impressions have been strengthened by the admission of correspondence full of violent and virulent language, and of mere

personal abuse. We allude to certain letters in the "Times," which bear the strongest internal evidence of having been written by Orla Lehmann, by the man who is fully characterised by that bloody expression of his to which we have alluded above: "Let us write the Danish law with the sword upon the Schleswigers' and Holsteiners' backs."

We have, in the course of our enquiry, not allowed ourselves to indulge in any personal remark: and our conscience tells us that we have not brought forward one single argument of the perfect solidity of which we have not a full conviction. We do not envy those who evade facts by omission, if not by misstatement, and arguments by personal abuse; men who, instead of enlightening the conscience of a confiding public, attempt to excite its passions, perhaps its prejudices, by unscrupulous assertions.

But we beg to be allowed fairly to discuss, upon the ground of the foregoing historical statement and constitutional enquiry, those impressions, prevalent in a great part of the English public, to which we have alluded, and to unveil, with equal frankness, the state of public feeling on this point in Germany.

We must begin with those impressions which concern directly the cause of the Duchies in itself. For here we have to do with facts lost sight of or ignored: and the erroneous views, or the absolute ignorance, on this point, have necessarily biassed, if

not determined, the public opinion on the second point,—the right and duty of the Germanic Confederation.

"Denmark is the weaker party, and, therefore, England must defend her cause." A noble feeling indeed, supposing that Denmark is in the right, and that she is not decidedly in the wrong, in her quarrel with the Duchies. A weak power can as well do wrong as a strong one, and political passion is not always commensurate with strength, either in governments or in nations. It is not fair to judge a case without knowing well its merits, even if it should subject us to some trouble, and a certain degree of inconvenience. England is deeply attached to her constitutional rights; but other nations may also have constitutional rights, and may be deeply attached to them, perhaps with the more sensitiveness for seeing them ignored by England, apparently on the principle "De minimis non curat prætor." Before an insurrection is condemned, its causes and character ought to be known; and before a war is pronounced to be wrong, it is well to know who is the cause of it.

But Denmark is not the weaker party in the contest she has entered into for more than a hundred years with the Duchies, and which has at last finished in a battle, where the flower of both Duchies has bravely succumbed under the overwhelming force of Denmark. After having tried to wrest peaceably their rights and privileges from

them, Denmark, foreseeing the Duchies would be driven to despair by a deep policy, followed out with despotic recklessness, has made those provinces so defenceless, and stripped them so entirely of the means of self-defence purchased with their money, that in the sanguinary struggle of the 9th, the brave men of Holstein and Schleswig, young and old, had only to offer their naked breasts to the Danish artillery. So much for this argument, or this impression.

"But Prussia and the whole of Germany support the Duchies." Certainly they do: they did so when, in 1846, the King-Duke was brought before the supreme federal tribunal, and compelled to make a promise which he has shown little disposition to keep, and which his son has most daringly violated. Holstein is directly attacked in the attack upon Schleswig: for their cause, their constitutional law, their independence, all points at issue are one and the same. They have no more to do with Holstein's membership in the German Confederation than with the Angles having been part of the Heptarchy. But Germany is attacked in the attack made upon the vital right of one of her members, who is the guardian of that part of her Baltic frontier.

Germany knows the points of law, of right, of justice, of truth, in this case; she knows them by the only means by which they can be known, patient enquiry and public discussion of facts and

principles; she is resolved, now that all means of negotiation are exhausted, to defend Holstein in Schleswig, unless the King of Denmark marches his army out of Schleswig, or at least out of German Schleswig, and leaves the settlement of the question to friendly mediation. Under that condition alone, the Germanic troops will remain behind the Eyder. Germany acknowledges the King of Denmark as the legitimate Sovereign of Schleswig, but only under law and right: a law and right which he cannot violate without violating directly and vitally those of Holstein, without compromising her independence, and without insulting that federal authority which pledged itself in 1846 to maintain those relations which form the right and the life of Holstein.

And here we must again be allowed to speak with English frankness before an English public. The cause between Denmark and the Duchies cannot be judged without a full and accurate knowledge of their constitutional rights. In the same manner, the case between Denmark and the German Confederation cannot be understood and fairly judged without a knowledge of the positive rights of the German Confederation, which, as every statesman knows, are contained, not only in the few hurried articles of the Act of Confederation agreed upon in 1815, but also in the fundamental and organic laws passed by the Diet, in pursuance of the dispositions of the Federal Pact, and in par-

ticular in the Final Act of 1820. Now, how should these rights and federal dispositions be known to the people of England, when, up to the last two months, the existence of an effective federal Germany was scarcely known to the immense majority of the public? It is, in great part, the fault of Germany, that a national federal power, embracing forty millions of Germans, should be less known and noticed in England than that of two millions of Swiss. But we state merely the fact; and we are sure no Englishman will deny it.

We, therefore, must also here beg to be heard with English fairness. The case between Denmark and the German Confederation cannot be judged, regardlessly of positive rights, upon abstract general notions of peace and non-interference inapplicable to the point.

Having said so much, we shall examine a little more closely the arguments or impressions which seem to dispose a part of the English public against the measures of the Germanic diet.

There is no dispute or difference of opinion repecting the principles brought forward. Peace and non-intervention form the watchword of free Germany. Prussia has been the first to proclaim them. She will be the last to give them up. But maintaining those principles does not mean abdicating the right and duty of self-defence.

Some people seem disposed to acknowledge the right of the Confederation to defend Holstein, and

that of the supreme federal tribunal to decide, whether a part of the Confederation is in danger. And, indeed, upon this point we shall not add a word. That right may be inconvenient to others; that decision may be still more so. The right exists, and the decision is in perfect conformity with that right. We regret that right was not enforced with due energy in the case of Luxemburg. But Luxemburg ought not now to be thrown in our teeth on that account. Not only the times are different; the two cases are so too. There we had the nationality and the political dispositions of a part of the population against us; here both are in our favour. Besides, in that case, an indemnity and equivalent were held out; for this case there is no Limburg.

"But, at all events, the Germanic troops ought not to cross the Eyder." Certainly not, till all means have been exhausted to defend the cause and right of Holstein on this side of the river: but, as a right, the admission of the first point (to protect Holstein when in danger) includes necessarily that of the second, to defend the right of Holstein where it is attacked in Schleswig, on its frontier.

"But the rights of a confederation cannot extend in general beyond its territorial limits. The Germanic Confederation defending Holstein's right as to Schleswig would be the same as her defending Austria's right as to Lombardy."

We shall first consider the pretended parallel.

Should it really be indifferent whether two states are indissolubly connected as independent states by a law and a union, anterior to their living under one sovereign; or whether they are aggregated, in spite of not having, as states in their own rights, any national and political right in common? Should it really be indifferent, whether the inhabitants of two such countries are the same in origin and language; by a loving intercommunion of political, social, intellectual, religious life during six centuries; and by present connexion and affection: or, whether they ever have been and are dissonant in all these vital points? Is constitutional law to go for nothing? Are nations and their will not to be reckoned for anything in these days? And that by England? And that merely because the case is obscure to those who have not studied it, and the time inconvenient?

But let us look to the argument itself, stripped of an ill-chosen illustration. Why, ask the people of Germany, should the territorial limits of the German Confederation be those of the exercise of their federal right? If that is to be the fundamental axiom, why then, Austria and Prussia never ought to have been members of that Confederation, of which they are the chief strength: for both their sovereigns have rights beyond those limits. Prussia, in particular, has two equally German dominions: the one a member of the Confederation, the other (Prussia Proper) hitherto not belonging

to it; both united by international law, exactly like Holstein and Schleswig. Why should the Confederation not have the right, and a very peculiar and stringent right (which, in a given case, may amount to an imperative duty), to defend Brandenburg's and Prussia's right, in Königsberg as well as at Berlin? Why, if that axiom were to be carried through, it might rather lead the Germans to the conclusion, that no sovereign prince of a foreign country ought to hold a place in the Confederation. How would that tell upon Denmark? But let us decide constitutional questions according to positive law and right, and not according to general notions, and cheap abstract suppositions and assumptions. That way is longer, and sometimes troublesome, but it is safer: yea, it is the only one worthy of a government and of a nation, who are proud to hold the balance of Europe.

We believe we have fairly stated, and candidly answered whatever unfavourable to the cause of the Duchies, and to the right and duty of the German Confederation, we have met with in the English papers, in the shape of argument. Whoever will take the trouble of examining and weighing the facts and arguments we have brought forward, must see that such arguments could in themselves not satisfy or dispose favourably the people of Germany.

But we must say a word about the dictatorial and magisterial tone used, here and there, in sup-

port of those arguments. As to the rights of the Duchies, they have sometimes been treated as antiquated theories, sometimes as unwarrantable novelties: evidently, they could not be both at once; and certainly, they are neither the one nor the other. As to Germany, the most utter contempt was shown to the federal authority and to the national rights of the Germans to strengthen and defend it. Men of European reputation, historians and politicians, like Dahlmann and Gervinus — they might have included Niebuhr among them, the glory of Ditmarshen, if they had read his opinion on the subject, and, in particular, his biography of his father — were called "impertinent German professors." Why? Because they had believed that profound studies and the public specimens they had given of their historical and political judgment in general, and upon this subject, did give to them, being besides Germans, as much right to discuss political questions, as those who, if they really had studied the matter better, and were entitled to higher authority in Europe, have indeed written as if they had not.

And what could Germany think of assertions like the following: "Schleswig is almost entirely Danish in language, and whatever it has of law (the land of the Angles, and Saxons, and Frizes!) is Danish, and gift of the Danish crown: Schleswig is as much part and parcel of the kingdom as Zealand or Jütland: Holstein has no practical right to

insist upon an imaginary union. If she has a right to oppose the female succession, it is because she is a member of the German Confederation."

We do not know how far these arguments have gone to inflame the Danes to always greater acts of violence and tyranny; but what we know, and what, in conclusion, we shall frankly state to the people of England, is, the effect this contemptuous and dictatorial manner of English journals, in disposing of facts and arguments, has unfortunately had in Germany.

The people of Germany have some difficulty to believe that these are the real arguments, and that the hostile tone against the Duchies and against their German advocates really has its source in those assumptions we have alluded to. Why, do they ask, does England only in this case hold so cheap constitutional rights, and those of the common Germanic stock, and why is she willing and even desirous of seeing them trampled under foot? Why does she revile men whom Germany looks up to with respect? Why does she treat us with arguments and assertions of such a nature, and in such a tone? And are we really to believe that she thinks the equilibrium of Europe in danger to be shaken to the foundation, if some few thousand Schleswigers were to be allowed to preserve their constitutional liberties, and follow the male line in an expected contingency, as well as Holstein? Is it mere contempt of a great nation, certainly

deeply humiliated in the last centuries, but still having given such unmistakeable signs of vitality and reconstructive power, as well as of friendship and respect to England ? Is it mere love of peace? Why then not hold that language rather to the people and government of Denmark? Why not dissuade the King of that monarchy from rushing headlong into violence and war ? Is it not rather jealousy of a rising power, than protecting kindness to a smaller ? Is it, perhaps, some other selfish plan of that insular policy of England, of which England's enemies and detractors have so much to tell ?

Germany, the people there say, is entirely satisfied with the principle rather to strengthen than to weaken the power of Denmark. It is her own, it must be her own policy. The position of Germany, her relations, the kindred character of the population, make her see friends in the Scandinavian powers, and be a sincere well-wisher to their independence by sea and by land. She wishes well to Denmark in particular. Germany has done nothing to impair or weaken her power. She has no wrong to make good to her: perhaps she has wrongs to forget. But, if she had wrongs to make good, she would certainly not propose doing it at the expense of others.

We believe we express the feelings of the most sincere friends which England has in Germany. But we must not conceal their deep regrets, their

grief in seeing that the way in which lately the English press has treated questions discussed for thirty years most patiently and forbearingly in Germany, has done more than any event of this century to alienate the German mind from England, and to give even credit to the detractors of England and English policy among the millions of the Germanic tongue, who live from the Alps to the Baltic, and from the Rhine to the Adriatic, and who all have their eyes upon England.

Now that the German press is as free as that of England, and that the influential journals are in the hands of men second to none in station, talents, and eminence, we have no hesitation to insert here, an Appeal of the people of Schleswig-Holstein to the people of England, which appeared only the other day in a highly respectable Frankfort paper; an article, the author of which (if we are well informed) is himself an eminent man and author, belonging to the Duchies.

"*Schleswig-Holstein to England.*

"To you, Anglo-Saxons, Schleswig-Holstein, the country of the Anglo-Saxons, turns in her hour of need. Your free ancestors emigrated from this country; they founded an empire of liberty in the country which they called England, after their own name; and thence they propagated liberty over the face of the earth. Schleswig-

Holstein is to this very hour, inhabited by Angles and by Saxons. A fertile region in Schleswig, in the customs and habits of life, in language and morals, most similar to your own England, goes to this day by the name of *Angela*. Englishmen! We, the Anglo-Saxons in Schleswig-Holstein have ever remembered you. Whenever you did great deeds, whenever your actions were generous, when your sons flocked round the banners of freedom, we have been happy in our hearts, and with pride we have looked over to our next of kin beyond the sea. We felt ourselves your nearest relations. It was by Schleswig-Holstein that your rights and laws, your liberties and institutions have been communicated to Germany; and if between England and Germany a mutual and lasting friendship be formed, founded rather on respect than on sentiment, then can Schleswig-Holstein claim to have been the principal means, by speech and in print, of showing the German fatherland the worth and the excellence of the English constitution.* Thus has a connexion of a higher and spiritual nature been added to the common origin; and thus can England and Germany this day confide in each other, and trust in each other. But there is one

* Allusion is here made to men like Rist, Boye, Hegewisch, Niebuhr, Dahlmann, Wachsmuth, Lappenberg, Stuhr, Michelsen, and others: all men of Holstein and Schleswig, who have written with as much admiration as knowledge and profound research, upon the constitution and laws and history of England, and have held them up as models to Europe.

danger threatening this hope and this confidence, which is your having forgotten the home of your forefathers, the Anglo-Saxon land, Schleswig-Holstein. That country wishes to be free and German. Will you suffer this ill used country of your forefathers to be torn asunder? Will your seeming interests stand between you and justice, and will you sever the bonds which unite England and Germany? May that be far from your thoughts! But there is one thing that must be said; we must speak of the deep injury which you, our brethren, have done us. You have not merely forgotten us, you have willingly misunderstood us. It is by you that we have been ill-treated, it is by you we have been betrayed. While we, few in number, but standing on our ancient rights, struggled calmly yet anxiously for our existence, ay, and for more; while we struggled for the faith, for the love, for the right, by which, though two by name, we have from time immemorial been one and the same people; while we defended ourselves against attacks, prompted by the craving appetites of a nation who think themselves entitled to rob because they have been robbed; while all Germany applauded our cause, and the manner in which we asserted our rights, — you had no voice for us, you had no heart for us. Your public press has insulted us, sneered at us, scorned us, and called us ungrateful to a mild government, and termed us a set of 'rebels.' *You have never cared*

for the real state of the case, and your powerful voice has blasphemed a holy cause. Retrace your steps. Make haste to do it. Can your enemies be right in asserting that it is not justice which sways your councils, but selfish considerations of the lowest interest? If not, then be adjured for our sakes, for the sake of your fathers, and for your own! Be faithful to yourselves, and you will be faithful to all the world."

We pledge our word that what this article states of the feeling of the Germanic nation is an undoubted fact.

We add nothing. We leave the whole question with full confidence, in the hands of the people of England. We have treated it as well as we could, counting upon their indulgence as to the style of a Memoir written and printed on the spur of the moment. We have appealed to their conscience, to their feelings of right and truth, and we shall await their verdict with respect and with perfect tranquillity.

BUNSEN.

M. V. GRUNER

ON THE

SUCCESSION IN THE DANISH MONARCHY.

AMONG the questions which have for some time occupied the minds, and excited the interest of the public, is that of the succession in the Duchies of Holstein and of Schleswig, in case the male line of the royal house of Denmark should become extinct. This question, which, in its outset, was confined to the discussions of some learned Danish and German writers, has speedily engaged the attention of a larger public; the press of both countries took hold of the subject; newspaper articles found an echo in the provincial assemblies of Denmark and in those of the two duchies, and a solemn declaration of the King of Denmark, claiming the eventual succession in the duchy of Schleswig, and the major part of Holstein, for the female line of his house, and even promising that every effort should be used to preserve the monarchy in *all* its integrity, has had no effect, beyond increasing the excitement which already reigned in all minds, and provoking most energetic reclamation from the estates of the duchies, and from those princes who considered the eventual rights of their families violated by the letters patent of the 8th of July, 1846. Lastly, a resolution of the Germanic Diet has succeeded in calming the effervescence in the duchy of Holstein, which, as an integral part of the German Confederation, enjoys the protection of the Diet, while the excitement, caused by the royal proclamation, still continues in the duchy of Schleswig.

Let us then more nearly consider the matter, and examine the question which has so violently excited their passions.

The Danish monarchy consists of two principal and distinct parts; of the kingdom of Denmark Proper, and of the duchies of Schleswig and Holstein.*

The dependencies of the kingdom of Denmark Proper consist of the Feroe Islands and the Danish African and American Colonies. The above two different parts present two different nationalities. The Danes, about 1,200,000 in number, live in the kingdom of Denmark, as specified above, always excepting the little duchy of Lauenburg, which, with a German population of 50,000 souls, makes part of the Germanic Diet. The German nationality, on the other hand, predominates in the duchies of Schleswig and Holstein; for, among a population of about 800,000, there are no more than 150,000 Danes. These last live in the northern part of Schleswig.†

The dynasty which actually reigns over these different parts of the Danish monarchy is one of the numerous branches of the Oldenburg family. This family is divided in two *principal* lines‡: viz. the elder, or *royal* line, and the younger, or *Gottorp* line.

The *royal* line is subdivided in two branches; viz. the *elder royal* line, which occupies the throne of Denmark,

* We have intentionally made no mention of the little duchy of Lauenburg, which belongs likewise to the Danish monarchy, and makes part of the Germanic Confederation. The succession of this small duchy is equally open to disputes, if the male line of the reigning family of Denmark become extinct. But this question is extremely complicated, and has nothing whatever to do with the succession in the duchies of Schleswig and Holstein. We will not, therefore, enter upon the subject.

† The German population of Schleswig is superior to the Danish, not only in numbers, but also in morals and social refinement. The Schleswig Estates consist almost wholly of German deputies.

‡ For the exact genealogy of the Oldenburg family, see p. 119.

and the *younger royal* line, whose members hold the position of landed proprietors in the two duchies, and which is again subdivided in two branches; viz. in the ducal house of Augustenburg, and in that of Glücksburg, alias Beck.

The *Gottorp* line also, has two principal divisions, of whom the elder occupies the imperial throne of Russia, while the younger branches off in two other separate lines; viz. in the Wasa branch, which formerly reigned in Sweden, and of which the Prince of Wasa is at present the only male representative, and in the grand ducal house of Oldenburg.

All these numerous branches of the Oldenburg family issued from Christian, Count of Oldenburg, the first of his race who reigned over Denmark Proper. He was offered the crown in 1448 by the estates of the kingdoms.

Christian I., in his quality as an elected king, had no title to the Danish throne, and his descendants could not, therefore, *claim any hereditary rights;* but the estates of the kingdom from that time forward conferred the royal dignity upon none but princes of the House of Oldenburg, and when this house branched off in the above-mentioned two lines, they chose their kings exclusively among the princes of the *elder royal* line. It was as late as 1660 that the States General of the kingdom offered the *absolute power*, and an *hereditary title to the Crown*, to Frederic III., who was then the head of the elder royal branch. Up to this time the kingdom of Denmark had been a constitutional and *elective* monarchy, but from that year it was, for the benefit of the *elder royal* branch, transformed into an absolute and *hereditary* kingdom. On the strength of his title as first possessor of the *hereditary* crown and by the power which the estates had given him, Frederic III. established the order of succession to the throne of Denmark by the statute of 1665, which is more generally

known by the name of "the royal law," and enacted that the crown of Denmark should be *hereditary for all* HIS *descendants*, no matter whether male or *female*, according to the right of primogeniture, *but in such a manner, that his female descendants should not succeed to the throne unless there was none of his male descendants surviving.*

It would, indeed, appear that the male progeny of Frederic III., which up to this time has reigned in Denmark, is approaching its end. The present king, Christian VIII.*, is sixty years old. He has but an only son, the Prince Frederic Charles Christian, born in 1808, who married the Princess Wilhelmine Marie, daughter of the late King Frederic VI. From her he was divorced in 1837, and contracted another marriage with the Princess Caroline of Mecklenburg Strelitz, from whom he is separated by another divorce, which he effected some time ago. The King's brother, the prince Frederic Ferdinand, is fifty-six years of age; he has no heirs. If the Prince Royal and the Prince Frederic Ferdinand should decease without leaving male issue, the male line of the elder royal branch would be extinct, and the crown of Denmark Proper and its said dependencies would, according to the royal statute of 1665, go to the king's elder sister, the Dowager Princess Juliane of Hesse Philippsthal (born in 1788), and after her death (for she too is childless) to the Princess Charlotte, born in 1789, and married to the Landgrave William of Hesse Cassel. Her only son, the Prince Frederic of Hesse, late husband of the deceased grand-duchess Alexandra, will, after her death, succeed to the throne of *Denmark Proper* and its dependencies.

Nothing can be clearer and more precise than the provisions of the "royal statute" respecting Denmark Proper, and there can be no doubt, that the succession must proceed in the order which we have just pointed out.

* This essay was written in 1846.

But while there can be no question as to the succession to the throne of Denmark Proper, there is much difficulty in ascertaining the proper line of succession in the second principal part of the Danish monarchy; that is to say, in the duchies of Schleswig and Holstein.

The cabinet of Copenhagen claims this succession, excepting merely some parts of Holstein, for the *female* line of the royal House of Denmark; that is to say, for the *female* line of the *elder royal* branch of the House of Oldenburg; and it even expresses the intention of conserving *in its own favour* the monarchy in *all its integrity.* The *male* line of the *younger royal* branch, on the other hand, viz., the ducal families of Augustenburg and of Glücksburg, and indeed the bulk of the inhabitants of both duchies, protest that the eventual succession belongs to the head of the *male* line of the *younger royal* branch, — namely, to the Duke of Augustenburg.

The question is undoubtedly a serious one. A monarchy which once was prosperous and of great influence in the affairs of Northern Europe, but which has long been declining, and which but lately was deprived of a most important province*, is about to be dismembered. The two great parts of which it is composed are even now separating from one another, to form in future different states. A monarchy of the third rank would, in that case, make place for two states of the fourth. The Danish monarchy has a population of 2,100,000 souls. The future kingdom of Denmark would be reduced to the number of 1,200,000; while the new state of Schleswig-Holstein would have 900,000 inhabitants. But these two states would then stand on the firm ground of a homogeneous nationality — they would have nothing to fear from intestine quarrels, such as long since have unsettled the minds of the Germans in the two duchies, and of the Danes in the kingdom.

* Norway was separated from Denmark in 1814.

Here is a fair opening for long political reflections on the probable consequences of so great a change in the existing state of things. We eschew them all — we leave them to others — and will merely point out to our readers that, as far as we can see, the future division of the Danish monarchy into two states would in nowise affect the balance of power in Europe, and that no *essential* modification of the existing state of things, such as it was established in Europe by the treaties of 1814 and 1815, would result from it — *provided that none of the great European powers take a part.* We have long and conscientiously examined the question, and are firmly convinced, in case of the extinction of the male line of the family now reigning in Denmark, that no one of the great European powers has any just pretensions to any part or parts of the Danish monarchy. We are, therefore, of opinion that there is only one point from which the question ought to be viewed, namely, *from that of right.*

It is to throw a light upon this point of view, and to correct the erroneous opinions which certain public papers entertain on this head, that we undertake the task of writing on so tedious and wearisome a subject. We trust our disquisition will not be rated impertinent, especially since the press, both in England and France, frightened by the indispensable labour of long historical researches, and influenced by certain political prejudices, appear to have not as yet sufficiently understood this question, inasmuch as international law is concerned. We have, consequently, seen some English papers, acted upon, it would seem, by the fear lest Russia might prefer claims upon the duchy of Holstein, violently denouncing any future division of the Danish monarchy. They preferred the plea that the treaty of Vienna had guaranteed the integrity of that country. The French press have spoken in a similar way. Although the Danish question has been sufficiently studied in France to convince them that Russia can have

no claim whatever upon the duchy of Holstein, they are still inclined to think that the German population of both duchies uses this question of the succession merely as a pretext to bring about a separation from Denmark. They are prejudiced by this idea, and refuse to enter into the details of so thorny a question; and, it would appear, they are afraid lest they should meet with too convincing proofs. Even those who admit the Duke of Augustenburg's *right* to the succession of Holstein are, nevertheless, so influenced by their hate against the "German Propaganda," that they gravely propose to maintain the integrity of the Danish monarchy at any price, by advising the *female* line of the royal House of Denmark to renounce in favour of the Duke their rights to the throne of Denmark and of Schleswig.

This idea is truly ingenuous, and has at least the merit of proving that there are, even in our days, public writers, who, in the midst of general corruption, still possess all the candour of primitive innocence. But there are others whom such a privilege is denied. They must have facts to enable them to form their own opinion. We shall, therefore, lay before our readers a summary of the leading facts, and leave them to decide within themselves on which side the right lies.

I.

Holstein was a part of the German empire from the very first. Placed in the northern frontiers of the empire, and commissioned to defend them against the invasions of the Danes, we see the counts of Holstein carrying on an almost uninterrupted warfare against their Danish neighbours. Their feuds began at last to turn out in favour of the Germans, especially since 1106, when the Counts of Schauenburg were invested with Holstein. The kings of

Denmark gave the southern part of the Cimbric Peninsula, that is to say, the duchy of Schleswig, to a junior branch of their dynasty, whom they commissioned in their turn to defend the frontiers against the Germans. But this expedient proved unsuccessful, for the new dukes of Schleswig were hardly installed, when they joined the counts of Holstein in a league against their lieges, and in the course of long wars which ensued, the kings of Denmark were forced to make great concessions to the counts of Holstein, who in their turn did every thing in their power to effect a total separation of Schleswig from Denmark, and to place it under the exclusive influence of Germany. Thus was the king Waldemar III. obliged to make a solemn promise (in 1326), that,

> " Ducatus Suderjuciae (of Schleswig) regno et coronae Daniae non unietur nec annectetur ita quod *unus* sit dominus."

This document is known by the name of the " *Constitutio Waldemariana.*"

Some years later (in 1330) King Christoph II. saw himself in a similar manner forced to invest the counts of Holstein with the duchy of Schleswig, in case the ducal House of Schleswig should become extinct; and when at a later period this extinction actually occurred, Schleswig was transferred (in 1386) to the counts of Holstein, who held it as a fief from the Danish crown.

Although the duchy of Schleswig went for three centuries by the name of a Danish fief, yet from this time forward it stood under German influence. The inhabitants of Schleswig, governed by a German dynasty, and becoming yearly more intimately connected with Holstein, began to adopt the customs, and, for a great part, the language also, of their southern neighbours; and the inhabitants of the *two* countries, accustomed themselves to consider this union as a precious pledge of their future prosperity.

They were soon called upon for a striking proof of their mutual sympathy.

The family of the counts of Schauenburg (since 1106 invested with the county of Holstein) had in 1281 branched off in *three* lines, who in that year divided Holstein and their family possessions in Westphalia among themselves. In this division one part of Holstein was given to the branch of *Rendsburg*, another to that of *Kid*, while the third branch came in for the family lands in *Westphalia*, and some petty districts in Holstein. The Rendsburg branch of the family had obtained the above-mentioned victories over the Danish kings, and forced them to cede the duchy of Schleswig. They had likewise seized upon the possessions of the Kiel branch upon the extinction of the latter; and although the Westphalian branch preferred their claims, they forced them to content themselves with a trifling indemnity in money and lands. The Westphalian line had, indeed, by an express clause in the treaty of Kiel of 1390, reserved to themselves the right of succession in Holstein, in case the male line of the Rendsburg branch should become extinct.

The extinction of the Rendsburg branch took place in 1460, upon the decease of Adolphus VIII., Duke of Schleswig and Count of Holstein, who died without issue. This event threatened the two countries with a separation; for Schleswig, as a Danish fief, ought to have returned to the king of Denmark, who in his turn was obliged, by the "*Constitutio Waldemariana*," to invest another vassal of his choice with it, while the treaty of Kiel assured the right of succession in Holstein to the Westphalian branch of the family of Schauenburg.

Now, although the title of the Counts of Schauenburg to Holstein was evident, a means was found to defeat their pretensions, and to strengthen the connexion between Holstein and Schleswig, so highly prized by the inhabitants of both countries. The estates of the two counties de-

murred against the *pretensions* of the Westphalian line of Schauenburg, as well as against those preferred by the counts of Oldenburg, on the strength of their direct descent from the only sister of Adolphus VIII. They *elected* the eldest of the three counts of Oldenburg, Christian by name, and who, since 1448, had been elective king of Denmark, to be duke of Schleswig and count of Holstein. But in the very act which called him to the throne, they made the express declaration, "*that they did not elect him, inasmuch as he was King of Denmark, but merely because they placed particular confidence in him, did they elect him under two conditions.*" They insisted upon a formal promise, *that the two countries should always remain united;* that they should never on any account be divided; and that, on the decease of the reigning duke, the estates should be entitled to elect his successor from among his male descendants.

Christian I. complied with the demands of the estates, insured their rights by two authentic documents, received their oath of allegiance and demanded from the German emperor, to be invested with the county of Holstein. The emperor granted Christian this investiture, for himself and his male descendants, promoting Holstein, at the same time, to the rank of a duchy of the empire (1474). But as to the duchy of Schleswig, it would appear that the formal enfeoffment did not take place till after the division of the Oldenburg family in various branches; and it was then done in such a manner, that the king of Denmark, in his quality as liege sovereign, granted the investiture to himself, in his quality as duke of Schleswig and vassal of the Danish crown, as well as to the other heads of the different branches of the Oldenburg family, *for themselves and their male descendants.*

These are the events, in consequence of which the House of Oldenburg has obtained the throne of Schleswig and of Holstein, and these are the conditions under which the estates

of both duchies gave the ducal throne to that House. These conditions must, of course, in our days also, serve as a basis to the national law of both countries, inasmuch as they have not since been modified.

II.

Great changes have indeed since taken place in the national law of the duchies. The two principal conditions under which the Oldenburg family had been called to the throne, and which we have just detailed, were diametrically opposed to the familiar usages, and the rights of succession, then adopted by most of the princely houses of Germany. Since the thirteenth century, when fiefs had come to be considered hereditary and to be treated in a manner like family possessions, these families had by little and little got into a way of dividing their possessions among any number of sons whom the deceased prince might have left. Sometimes the country was altogether cut up; at other times it was agreed to enjoy the superior privileges of government *in common*, and to divide the territories with some inferior individual privileges attached to each part. The estates of such countries were of course greatly averse to such divisions, and opposed them as much as possible; for each new partition augmented the number of princely courts, and with them the expenses of the country.

It is therefore clear beyond doubt, that the estates of the two duchies in prescribing the above-mentioned conditions to Christian, did not only intend to make certain of the union of the two countries for all times to come, but also to prevent *any division whatever*. But if this was indeed the end they had in view, in reserving to themselves the right of electing the successor of the de-

ceased prince among his male descendants — a right which is found in no other German country,— the means was indeed ill chosen; for however moderately and carefully the estates might use this right, its very existence was enough to awaken the jealousy of the reigning family; and without altogether preventing the partition of the country, it could not but provoke violent discussions, which must of necessity lead to the abolition of the right of election.

The circumstances by which the partition of the country and the abolition of the right of election were brought about, are of so great an importance for the present question, that we cannot help giving our readers the details of them.

Christian, who died in 1481, left two sons, John and Frederic. The Danes elected John for their king. The estates of Schleswig and of Holstein, *who since the advent of the house of Oldenburg to the throne had formed but one body*, consented to raise the *two* brothers to the ducal throne; and thus renounced in a manner the indivisibility of the country, which they had forced Christian I. to assure them of; for the two dukes followed the customs of the time, and began their reign by making a division of the country.

This was done in a rather strange manner. The primary arrangement had been that the two brothers should reign *in common*, and that they should *jointly* direct the policy, both at home and abroad, of the country. Now though the unity of the *central government* was preserved, they shared the territories, and stipulated that either of the two dukes should enjoy certain lesser privileges of government to himself in his own dominions. And, to make the division as fair as possible, one part of Schleswig and one part of Holstein was allotted to each duke, and these again were picked out from various detached districts of each duchy.

This first division was, however, of short duration.

Christian II., son and (in 1513) successor of John in Denmark, as well as in those parts of the duchies which his father had possessed, was in 1523 dethroned by his Estates, and died without leaving issue. His uncle, Frederic I., succeeded him, and reigned *alone* in the duchies and in Denmark.

After the death of Frederic I. the house of Oldenburg came to an ultimate division into two principal lines, which exist to this present day; namely, the elder or royal line*, issuing from Christian III., the eldest son of Frederic I.; and the line of Gottorp†, commencing with Adolphus I., third son of Frederic I. The circumstances which led to this event are too important to allow us to leave them unmentioned.

Frederic I. had left three sons, of whom the eldest, Christian III., alone was of age when the father died. While the Danes, who crowned Christian III. after an interregnum of two years, were still hesitating, he appealed to the estates of the duchies immediately after his father's death, and demanded for himself and brothers, that, *by virtue of their right of succession, and without a previous election, which would be contrary to their princely prerogatives, the Estates of the duchies should swear allegiance to him and to his brothers. The Estates complied,* and the three dukes shared the country among themselves on much the same principles as those, according to which the first division had been effected.

The duke John died in 1582, without leaving heirs. There were, consequently, only the two above-mentioned lines of the House of Oldenburg left; who reigned *in common* in the duchies, each possessing the lesser privileges of government in his own particular moiety.

* The elder line is called the royal line, on account of the Danes having elected their kings among its members.

† The Gottorp line has its name from the castle of Gottorp, in Schleswig.

On the advent of Christian III. and his brothers to the ducal throne, the Estates had not insisted upon their right of election, but they had no idea of having renounced it for ever. They took it up again, and exercised it whenever an occasion presented itself. Since, however, there were then *two* princely families on the ducal throne, to which they had come on *the strength* of their *hereditary right*, and *without a previous election*, the Estates were henceforward obliged to be satisfied with asserting their right of election in *each* family, in such a manner, that on the decease of one *of the reigning dukes*, they had to elect his successor amongst his sons, and consequently always in that one of the two lines, to which the deceased prince had belonged.

This right of election, however limited, enabled the Estates of the country to prevent a detrimental augmentation of the number of reigning dukes. Thus, when after the death of Christian III. (in 1559) the Estates had sworn allegiance to his eldest son Frederic II. (whom the Danes elected for their king at the same time), and when the younger son of Christian III., John Minor, claimed to be installed as co-regent, they refused his suit, on the plea of their right of election.

Though not admitted to the co-regency, John obtained nevertheless his part of the territories of the royal line. The division of the royal line into two branches dates from this period. The elder branch occupied the elective throne of Denmark, and reigned in the duchies *in common* with the Gottorp branch; and the younger branch, without participating in the co-regency, possessed part of the territories of the royal branch.

Henceforward the Estates found it the more easy to prevent new divisions, since in the 17th century the German princely families themselves began to feel the awkwardness of the former system, and endeavoured to introduce the rights of primogeniture. No division of the country did, therefore, take place under the following

reigns. Upon the decease of one of the co-regent dukes, his eldest son, or, if there were no sons, his eldest brother, succeeded him with the consent of the Estates.

In the beginning of the 17th century, the Estates were at last forced to renounce their right of election. The duke John Adolphus Gottorp had provided in his will that his descendants should succeed him according to the rights of primogeniture. The German Emperor, in his quality as high lord of Holstein, and the King of Denmark, as superior of Schleswig, had given their adhesion to this provision. After the decease of the duke John Adolphus of Gottorp (in 1616), his eldest son, the duke Frederic III., demanded, on *the strength of his father's testament*, that the Estates should swear their allegiance to him *without any previous election.*

After a lengthened discussion the Estates obeyed, and resolved: —

"*That the right of election should be subject to the right of primogeniture.*

"*That is to say, that the right of election should be abolished, and make place for the order of succession, according to the right of primogeniture.*"

The right of election having been abolished, the succession, according to the right of primogeniture, was adopted by the different branches of the royal line. The younger royal branch was the first to follow this example of the line of Gottorp.

This younger branch of the royal line had, after the death of John Minor (in 1622), sprouted out in four branches, who were called, after their possessions, by the names of Glücksburg, Norburg, Plönn, and Sonderburg. Only the last of these princely houses, — namely, that of Sonderburg, has descended to our line; and this, though formerly subdivided into five branches, has at present but two: the elder branch, that of Augustenburg; and the younger branch, that of Beck, which, since 1825, has

adopted the title of the ancient *ducal house of Glücksburg* (extinct since 1779). Alexander, first Duke of Sonderburg, and consequently the common source of the two ducal houses of Augustenburg and Glücksburg (formerly Beck), introduced by his will (in 1627) the order of succession according to the right of primogeniture in his house and for all future successions.

Frederic III., King of Denmark and Duke co-Regent in the two duchies, also adopted (in 1650) this order of succession for his house, in his quality as duke of Schleswig and of Holstein, and as head of the elder royal branch.

Let us here stop for an instant to ascertain the principles according to which the right and order of succession in the two duchies was regulated, at the epoch of which we are now speaking.

The duchies were two fiefs: Schleswig depended upon the Crown of Denmark, and Holstein on the German empire. The acknowledged principles of feudal right, as well as the expressed dispositions of the letters of investiture, confined the succession to the *male* descendants of Christian I., the common stock of all the branches of the House of Oldenburg, and first possessor of the two duchies. The estates had recognised the validity of this principle by making Christian I. confirm their right of electing the successor of the reigning duke among his *male* descendants. *The female line of all the different branches of the Oldenburg family was consequently altogether excluded from the succession.*

The order in which the different male lines and branches are to succeed is equally simple and incontestable.

The two principal lines (the royal line and the Gottorp line) who since 1544 occupied the ducal throne in common, sprang from the same trunk — from Christian I., or, it may also be said, from Frederic I.; and, consequently, they *both* had eventual rights of succession. But it is evi-

dent that either of these two lines could not be called upon to succeed the other, unless in case of the extinction of *all the male progeny of the latter.* If, for instance, the male progeny of the *elder* royal family were extinct, the males of the younger royal line of the two branches, which issue next and in common from Christian III., would be called to the succession in the co-regency and in *all* parts of the two duchies, which belong to the royal line: in the royal part of Schleswig as well as in the royal part of Holstein, while the branch of Gottorp could only come to the succession, if the whole of the male progeny of the *whole of the royal* line of the younger royal branch, as well as of the elder, were extinct.

The royal line, on the other hand, had as little right to succeed to the co-regency and the possessions of the line of Gottorp, that is to say, neither in the ducal * part of Schleswig, nor in that of Holstein, nor, indeed, in that part which the Gottorp family took in the co-regency, *except* in case of the extinction of the male line of Gottorp.

Since, nevertheless, the ducal part both of Schleswig and of Holstein are at this day under the domination of the elder royal line and in spite of the House of Gottorp having a numerous male progeny, it is our task to show how this change took place? what reasons there are for it? — and in what manner it affects the right of succession in the two duchies?

III.

The terms of friendship which had hitherto been established among the two lines of the Oldenburg family was,

* The possessions of the Gottorp family were called the *ducal* parts of Schleswig and Holstein. Those of the royal line, in both duchies, were called the *royal* parts.

at the time of which we have just spoken, most grievously changed.

In the kingdom of Denmark Proper the royal power was then in a state bordering upon inanition — the superior influence of the aristocracy not only bore down upon the country, but also upon royalty. The Estates General, assembled in 1660, effected at last a reaction against the omnipotence of the oligarchy. The representatives of the clergy and the towns began to consider royalty as their natural protector, and adopted a resolution by which "*absolute power and an hereditary right to the crown,*" for him and his descendants were offered to King Frederic III., who, with his son, represented the male line of the elder royal branch. Frederic accepted the offer. We stated on a former occasion that he regulated the institutions of the country according to this new basis—that by the "royal law" of 1665 he declared the crown of Denmark Proper, with her dependencies, to be hereditary for *all* his progeny, no matter whether *male* or *female*, according to the right of primogeniture, but limiting the advent of the female line to the contingency of a total extinction of his male descendancy.

This event, which placed the whole influence of the kingdom of Denmark at the disposal of the elder royal branch, served most powerfully to excite the desire which had long animated the Gottorps to acquire, in their turn, their sovereignty, by emancipating their own part of Schleswig from the Danish feudal sovereignty.

Sweden was, ever since the religious wars of Germany, the chief power of the north. She was an old rival and enemy of Denmark, whom she found in the vanguard of her adversaries whenever the northern states coalesced against her. The dukes of Gottorp were in search of an ally by whose aid they might realise their projects of independence and of sovereignty and resist the ascendancy of the royal line in the co-regency of the two duchies. They

hit upon Sweden, with whose dynasty they were already connected. An alliance of the Gottorp family with Sweden was indeed effected about the middle of the 17th century.

Their hopes seemed at first in a fair way of being accomplished. The Swedish armies forced Denmark to sign the treaty of Copenhagen of the 12th May, 1658, by which the independence of the ducal part of Schleswig was acknowledged, and its sovereignty transmitted to the Duke of Gottorp and his male descendants. In order not to have in Schleswig an inferior position to the Duke of Gottorp, the king, Frederick III. (who was then an elective and constitutional king), obtained from the Estates of the kingdom, in his quality as duke of Schleswig, for him and his male descendants, the same concession in the royal part of Schleswig.

The successes of the Gottorp family, however, were but temporary. During half a century of incessant wars between Sweden and Denmark and the other northern powers, the dukes of Gottorp were exposed to a variety of sudden and untoward changes. Whenever the Danish arms were victorious, they were forced by the kings of Denmark to acknowledge the Danish sovereignty over the ducal part of Schleswig, and to submit to a co-regency in the duchies. But whenever the chances of the war turned in favour of Sweden, which happened regularly up to the commencement of the 18th century, the Gottorp family had their own sovereignty recognised, and reigned as lords paramount.

They were just in the enjoyment of this little brief authority, when with the 18th century the great northern war broke out between Sweden and the coalition of her neighbours against Charles XII. Denmark having commenced the hostilities by attacking the Duke of Gottorp, an ally and cousin of Charles XII., was soon forced to lay down her arms and sign the peace of Traventhal

(1701). But no sooner did the temerity and the adventurous spirit of Charles XII. endanger Sweden, than the king of Denmark marched into and took possession of the territory of the duke, who, though he had declared himself neutral, had nevertheless admitted a Swedish garrison into his fortress of Tönningen. The death of Charles XII., which happened a few years later (1718), deprived the duke of his sole ally and protector, and effected an unfavourable change in the Swedish policy. The new government wished to concentrate all their forces against Russia, in order to re-conquer the Swedish provinces of the Baltic, which Peter I. had taken from them. They appealed to the mediation of France and England to obtain peace from the rest of their adversaries. The reconciliation with Denmark was consummated by the sacrifice of the Gottorp family. By the treaty of peace of Stockholm, concluded with Denmark on the 3rd of June, 1720, Sweden made promise,—

"Not to oppose, either directly or indirectly, any stipulation or stipulations made in favour of the king of Denmark, concerning the said duchy of Schleswig, by the two mediating parties who have concurred to the present treaty, and not to give any assistance to the Duke of Schleswig Gottorp, which might induce him to oppose the said stipulation."

Upon the Duke of Gottorp's refusal to give up his part of Schleswig, the two mediating powers took it upon themselves to guarantee to the king of Denmark a peaceful possession. England engaged herself by the act of the 26th July, 1720,—

"To guarantee and to preserve Denmark in a continual and peaceable possession of that PART *of the duchy of Schleswig, which H. M. of Denmark* has now in his hands."

And France promised, by the act of 18th August, 1720,—

"To maintain the king of Denmark in the peaceable possession of the *ducal part of the said duchy.*"

Although the duke was thus deprived of his part of the duchy of Schleswig, he was, after all, reinstated in the ducal part of Holstein, which the king of Denmark evacuated (1720) upon the demand of the German emperor.

The Duke of Gottorp saw himself, since the death of Charles XII., reduced to the very last degree of weakness. To extricate himself from so distressing a situation, and to procure the assistance of a powerful ally, he married, in 1725, the eldest daughter of Peter the Great. He hoped to re-enter into the possession of the ducal part of Schleswig; but this hope deceived him, for upon the death of Peter II. (1730) the Russian crown was seized by Anna, niece of Peter the Great, who, afraid lest the duke should claim the crown of Russia for his only son, Charles Peter Ulrich (as he indeed had a right to do), assumed a hostile position against the house of Gottorp. An unexpected event occurred at last, which rescued the dynasty from its weakness and raised it to a plenitude of power. A revolution broke out after the death of the Empress Anna (in 1740); Elizabeth, second daughter of Peter the Great, and aunt of the Duke Charles Peter Ulrich, was raised to the throne, and declared her nephew (who had meanwhile succeeded his father in the ducal part of Holstein,) grand duke and heir to the imperial crown.

The whole of the Gottorp family profited by this event. Their dynasty had, ever since 1694, been divided in two principal lines. The Grand Duke, Peter Charles Ulrich, was, at the time we speak of, the sole representative of the elder line. The younger line had (in 1726) divided itself in three branches, sprouting from three sons of Christian Augustus, uncle of the Grand duke, namely, Adolphus Frederick, Frederick Augustus, and George Louis. The family ties which connected this family with

Russia served to establish them all very comfortably. The Swedes, who were then making a disastrous war against Russia, promised (in 1742) the future succession to the throne of their country to Adolphus Frederick *, in order to obtain by his intervention an honourable peace. This first branch of the younger Gottorp line occupied the Swedish throne till up to 1809; the prince of Wasa is at present the only male representative of that branch. Paul I., who wished to make a suitable settlement for the second branch, gave them the duchy of Oldenburg, which he had acquired by way of barter. After the extinction of the second branch it was succeeded by the third, which now reigns in the duchy of Oldenburg.

The King of Denmark could not feel pleased with the plenitude of power which the Gottorp family so suddenly attained. He possessed, indeed, the ducal part of Schleswig, but it was *de facto;* he had *no established right* to it. He used his utmost efforts to induce the Gottorp princes to ensure his conquest by a formal renunciation. He offered to exchange ducal Holstein against the counties of Oldenburg and Delmenhorst (at present joined in the Grand Duchy of Holstein, and belonging, since 1676, to the elder royal line). But part only of his scheme succeeded. Adolphus Frederick, prince royal of Sweden, as head of the elder branch of the younger Gottorp line, consented for himself and his male descendants to renounce his right to the ducal part of Schleswig in favour of the *King of Denmark and his male descendants,* in consideration of a sum of 200,000 dollars, provided always his family were called to the succession, and in that case to give up the ducal part of Holstein for the two above mentioned counties of the duchy of Oldenburg. But the head of the Gottorp family, the Grand Duke Charles Peter Ulrich, refused to accede to any offers of the king, and waited for the death of the Empress Elizabeth, intending to recon-

* King Frederick I. of Sweden had no children.

quer the part of Schleswig to which his family were entitled. His plans were frustrated by the short duration of his reign. His successor, Catherine II., who during the minority of his infant son, Paul I., reigned over the ducal part of Holstein, showed a strong disposition to put an end to a quarrel which the Russians considered as a mere family squabble, and which displeased them. She was, moreover, fully engaged in carrying out her ambitious projects in Turkey and Poland; and desirous to obtain a Danish alliance against Sweden, she consented, by the provisional treaty of 11—22 April, 1767, to renounce, in the name of her son, the ducal part of *Schleswig*, and to *give over* to the King of Denmark the ducal part of *Holstein*, in exchange for the two counties of Oldenburg and Delmenhorst. The condition was added, that this convention should not be valid unless the Grand duke, after coming of age, had given his adhesion to it.

The Grand duke, upon his coming of age, gave indeed his adhesion* to the agreement between the empress and the king. He signed the act of *renunciation* respecting the duchy of *Schleswig*, and the act of *union* respecting the ducal part of *Holstein*.

The act of *renunciation* states, that the Grand duke

"Renounces for himself, his heirs and descendants, all his or their rights, whatever they be, to the duchy of Schleswig, and, namely, to the ducal part of the said duchy in favour of the King of Denmark and *his heirs and successors to the royal throne*."

In the act of *cession* the Grand duke declares, that he "cedes in his own name, and in that of his heirs and descendants, his part of the duchy of Holstein to *the King of Denmark and his male descendants, and in their default to the Prince Frederick, the King's brother, and to his male descendants*."

* Treaty of the 21st May to 1st June, 1773.

In return the King bound himself by the said treaty —

" To cede to the Grand duke and his male descendants, by way of exchange, the counties of Oldenburg and Delmenhorst " (of the duchy of Oldenburg).

He consented at the same time to the transfer of the two counties to one of the agnates of the Grand duke, but in such a manner that

" *They take in each respect the place of the ducal part of Holstein, and that respecting them the same order of succession should be observed, which had hitherto been valid for ducal Holstein, according to the feudal law and the family contracts.*"

The Grand duke transferred, by virtue of this treaty, the two counties (which were shortly after joined into a duchy) to the head of the second branch of the younger Gottorp line, which, on extinction *, was succeeded by the third branch.

The royal line of the Oldenburg family succeeded in this manner, after long struggles, in obtaining the exclusive domination of the duchies of Schleswig and Holstein.

IV.

Let us now take a view of the changes effected by the treaties of 1750 and 1773, in the right and order of succession hitherto in use in the two duchies.

But previous to entering into these details, we must call the attention of our readers to another very important fact. We have adverted to the protracted struggles of the House of Gottorp with the Danish kings, in order to obtain, not only the sovereignty over their part of Schleswig, but also the dissolution of the joint regency. This dissolution was,

* In 1823.

however, virtually established. The nobles and clergy were, indeed, in no manner under the *common* dominion of the two dukes co-regents, but otherwise, they exercised, each in his own territories, an almost unlimited power. Even the *younger* royal line, who by their territories had originally been in the same position as the elder royal line, could not altogether escape the ascendency of the two dukes co-regents, and was gradually reduced to a condition similar to that of the nobles and the clergy.

Besides the possessions of the younger royal branch and those of the clergy and nobility, which were subject to the *joint regency*, there were, at the time we speak of, four distinct territorial parts in the two duchies, of which each was subject to the dominion of one of the two duke-regents, namely: —

1. The royal part of Schleswig.
2. The ducal part of the same.
3. The royal part of Holstein; and,
4. The ducal part of the same.

Let us now see what was the right and order of succession in each of these four different parts.

It is evident from the treaties of 1750 and 1773, which referred solely to the ducal parts of Schleswig and Holstein that the part which the dukes of Gottorp had taken in the co-regency, did not, and indeed could not, alter anything either in the right and order of succession, such as they were established for the *royal* parts of Schleswig and of Holstein, or in the title of the royal line to the co-regency. From this follows that the eventual right of succession of the younger royal branch has been left altogether intact, and, consequently, that in case the male line of the elder royal branch should become extinct, the males of the younger branch* would be called upon to succeed in the royal parts of the two duchies.

* Viz., the Duke of Augustenburg.

This is not the case in the *ducal parts* of the two duchies, where a new order of succession was introduced by the treaties of 1750 and 1773; for, as to the *ducal parts of Schleswig*, the Grand Duke has explicitly renounced it in favour of the King of Denmark and his *heirs* and *successors to the royal throne.* If, therefore, the male line of the royal house should become extinct, *the female line that would then mount upon the throne of Denmark Proper* would likewise succeed to that part of Schleswig, where it would represent the title of the males of the elder line of Gottorp.*

The evidence of the facts, whatever it be, upon which we base the opinion we have just given respecting the eventual succession in the *two different parts of Schleswig*, is opposed to the conclusions drawn from them by the German, as well as by the Danish writers. The majority of the German writers pretend that, in default of the males of the elder royal branch, the males of the younger royal branch ought to succeed in either part of Schleswig, the ducal as well as the royal. And the Danes, in their turn, claim for the female line of their royal house not only the ducal part of Schleswig, but the royal part also. Both parties refer to the event of 1721, when King Frederick IV., after obtaining Schleswig, guaranteed by France and England, exacted an oath of allegiance from the late subjects of the Duke of Gottorp.

The facts are as follows: —

There were in those times *two* classes of subjects in the

* Viz., of the Russian dynasty. The *males* of the elder Gottorp line being alone entitled to ducal Schleswig, the renunciation of the Grand Duke in favour of the female line of Denmark is no longer valid than the male line of the Russian dynasty exists. If, therefore, this line should become extinct, the Prince of Wasa would come in for the succession, for his ancestor has renounced his right in favour of the *males* of the royal House of Denmark, and of the *males only*.

duchies: the priesthood and nobility, under the joint-regency of the two dukes co-regents*; and the other inhabitants, who, according to their respective parts of the duchy, were subject to the *exclusive* dominion of one or the other of the two dukes. The joint-subjects gave their allegiance to *each* of the two dukes co-regents, upon his advent to the throne; while the other inhabitants did homage to the particular duke under whose dominion they lived.

Frederick IV., desirous to appropriate to himself all the rights of the Duke of Gottorp to the ducal part of Schleswig, had to receive the oath of allegiance not only from the subjects of the ducal part, but also from all the prelates and noble landowners of the duchy of which he would be the sole sovereign. To this effect he called upon the late subjects of the Duke of Gottorp, of either class, to take their oath of allegiance. He did this by the letters patent of the 22d of August, 1721, from which we extract the following important sentences: —

"We have resolved to retake possession of Duke Charles, Frederick of Gottorp's part of the duchy of Schleswig; the which, in a time of difficulty and misfortune, was unjustly severed from the Crown of Denmark. And in consideration that, by the peace concluded, signed and ratified, by God's grace, in the month of July, 1720, between ourselves and the King and Crown of Sweden; and in consideration that formal and solemn pledges of the two mediating kings have given us, both for ourselves and our successors, the undisturbed and perpetual possession and dominion of the whole of the duchy of Schleswig, and therefore likewise of the former ducal part of the said duchy; we have resolved to *reunite and incorporate the said part to ours;* and for this purpose to demand and to receive, *we alone,* the oaths of fidelity of the Estates of our

* Viz., the King of Denmark and the Duke of Gottorp.

duchy of Schleswig, from the prelates, the members of the knightly order, from the inhabitants and the subjects of cities, boroughs, and hundreds," &c.*

The prelates and noble landowners took the oath as the king decreed: —

"In consideration that by your letters patent, dated 22d of August, 1721, your royal Majesty of Denmark, &c., my gracious King and Lord, you have thought proper to reunite to your own part the former ducal part of the duchy of Schleswig, and to incorporate the same anew and for ever after with your crown, the which having in olden days been severed from the said crown *injuriâ temporum* — I promise and hereby pledge myself, by and in virtue of these presents, for myself and my heirs and successors, that we, myself, and they, the said heirs and successors, acknowledge and hold your royal Majesty of Denmark, &c. for our sole and unique sovereign Lord, and that we shall and will be faithful to yourself as well as to your royal heirs and successors, *secundum tenorem legis regiæ*," &c.

The *inhabitants of the ducal part* swore an oath in similar terms.

But the inhabitants of *the royal part* were not called upon to take any oath whatever.

The German writers stand on that passage of our quotation, where the king declares his intention to "reunite and incorporate the said part† with his own." They pro-

* Our readers will observe that the sentence referring to the dominions of the duchy of Schleswig is somewhat loosely framed. The mediating powers had guaranteed to the King of Denmark the peaceable possession of the ducal part of Schleswig; and consequently, since no one opposed the King as head of the elder royal line the possession of the royal part, the possession of all Schleswig was quite open to him. From the sentence in the letters patent, to which we refer, the opposite opinion might be gathered.

† The *ducal* part of Schleswig.

test that ducal Schleswig, thus incorporated with royal Schleswig, ought to be subject to the same law, and the same order of succession, as royal Schleswig itself, and that, consequently, after the extinction of the males of the elder royal branch, the males of the younger royal branch ought to succeed. But they forget, in the first place, that the king has taken their allegiance for him, and for his royal successors, *secundum tenorem legis regiæ;* and, in the second place, do they forget, the renunciation of Paul I., which is the sole *legitimate* base of the right which the female line of Denmark has to ducal Schleswig, which renunciation was expressly in favour of the king and his heirs and successors to the royal throne.

The Danes, on the other hand, and even the commission ordered by the Danish government to inquire into the rights of the royal house as to the duchies, fall into as great an error. They pretend that the words, "to reunite and incorporate the said part with our own," mean, that the king reunites the ducal part with his own, and incorporates it, *as well as his own*, with the kingdom of Denmark. Such an interpretation is most arbitrary, and its falseness is the more manifest, from the Danish writers* themselves admitting that the pretended incorporation of Schleswig to the kingdom of Denmark *has never been realised, saving in what appertains to the right of succession.*

To waste our time with these and similar sophisms, were indeed useless.

The history of the acts of guarantee of 1720, and of the treaties of 1750 and 1770, proves, as clearly as possible, that the *ducal part of Schleswig* ONLY has at all times been in question; and that neither the mediating powers, nor the princes of the house of Gottorp, have ever thought of despoiling the younger royal line of their legitimate

* The admission to this effect of the royal commission is notorious.

right of succession. Besides, the latter had never engaged in any of the Gottorp-Danish feuds.

It is true that the Duke of Augustenburg and the Duke of Glücksburg* have also taken the oath, as decreed by the king; but they did this as landholders in Schleswig, and as having been subject to the co-regency of the dukes of Gottorp. It is, therefore, evident, that they by no means renounced their rights of succession in the royal part of Schleswig; for the exordium of their oath says expressly,—

"Your Royal Majesty of Denmark, &c., my gracious king and lord, having by your letters patent, dated Gottorp, August 22. 1721, thought proper to reunite with your own part the *former ducal part of the duchy of Schleswig*, and to incorporate the same anew, and for all times to come, with your Crown; and *having, on this account,* decreed *that I, for the lands I hold, should,*" &c.

Having thus shown that after the extinction of the males of the elder royal line;

1. The female line of this house ought to succeed in the ducal part of Schleswig, while,

2. The males of the younger royal line, the duke of Augustenburg, would come in for the succession in the royal part of Schleswig.

3. After having settled the question respecting the royal part of *Holstein,* we have now to detail the principles, according to which the succession should be regulated,

4. In the ducal part of Holstein. — To do this we must go back to the time in which the Oldenburg family came to the throne of Denmark.

Christian I. had, before his advent to the Danish throne, reigned in common with his two younger brothers, in the

* The Duke of Glücksburg was the head of the ducal house of Glücksburg, which was extinct in 1779. The ducal house of that name, in our own days, took the title in 1825. See moreover page 119.

counties of Oldenburg and Delmenhorst. When elected by the Danes, he resigned his part of the two counties in favour of his brother. The male line of the Counts of Oldenburg and Delmenhorst was, against the middle of the 17th century, approaching its extinction. The King of Denmark, as Duke of Holstein, and head of the elder royal line; the Duke of Gottorp, and for the younger royal line, the Duke Joachim Ernest of Plönn (the head of one of the four branches into which the younger royal line was then sub-divided), had obtained from the German Emperor some hopes upon the two counties, in case the male line of the Counts of Oldenburg and Delmenhorst should become extinct; and it was settled, that were the thing to happen, the two counties should go to the oldest member (senior) of the Oldenburg dynasty.

Günther, the *last* Count of Oldenburg and Delmenhorst, died in 1667. The Duke Joachim Ernest of Plönn was then the oldest member of the Oldenburg dynasty, entitled to succeed him. But the King of Denmark and the Duke of Gottorp opposed the succession, and took possession of the counties. A complaint was made before the tribunal of the empire by the Duke of Gottorp, and by his sons after him, and a favourable judgment was obtained. The King, without taking a part in the process, commenced a negotiation with the dukes of Plönn, and came to terms with them.* He paid them a handsome sum and several domains in Holstein; and they, in their turn, ceded the two counties to him and to *the male* line of his house; but providing, if the male line of the royal house should become extinct, that the succession in the two countries should return to them and their male descendants, and likewise to the agnates of their princely house.†

If the event from which all these suppositions depend,

* Treaty of the 26th June, 1676.

† Viz., the *males* of the younger royal line.

should happen, then would the Duke of Augustenburg, as head of the younger royal line, be called upon to succeed in the ducal part of Holstein, which since 1773 represents, as an equivalent, the counties of Oldenburg and Delmenhorst.*

The same holds good with respect to another acquisition which the elder royal line had made in Holstein. About the same time, when the elder royal line succeeded in obtaining possession of the ancient possessions of the Oldenburg family, the Westphalian line of Schonenburg, the last branch of this ancient dynasty, became extinct. Though the estates had in 1640 excluded them from the succession in the duchy of Holstein, they had nevertheless kept possession of some holsteinish districts, which had fallen to their share when the three branches of the Schaenburg divided the country.† After the death of the last Count of Schanenburg, his succession was eagerly disputed by numerous pretenders.

Amongst them were the King of Denmark, in his quality as Duke of Holstein, and the Duke of Gottorp. They took at once possession of the country, and protested that the county of Holstein‡, being an ancient dependency and an integral part of the duchy, ought to return to the same. The emperor, to whom it was proposed to claim the county of Holstein in the name of the empire, did not enforce this claim. The last count's mother, whose pretensions were, moreover, totally unfounded, agreed to the acceptance of a small sum of money by way of indemnity, and the rest of the pretenders brought their quarrel before the tribunals of the empire, but did not carry it through

* The Grand Duchy of Oldenburg of our own days.

† In 1281.

‡ The part of Holstein which is situated in the south of that country, and to which the city of Altona belongs, is called the *County* of Holstein.

the court. The king and duke divided the country between themselves; the king took the larger share, the county of Pinneberg, and kept it too. The Duke of Gottorp sold his share to the Count of Rantzau, whose son leagued it to the King of Denmark, to have and hold it, or to dispose of it to the profit of any member of his family.

The county of Pinneberg (or the royal part of the county of Holstein), acquired as it has been as an integral part of the *duchy* of Holstein, is consequently subject to the same right and order of succession as the ancient royal part of the duchy itself. If, therefore, the Duke of Augustenburg were called to the succession of the royal part of Holstein, he would also by the same right succeed to the county of Pinneberg, while the county of Rantzau, as the legacy of a third person who was entitled to dispose of it as he listed, would pass over to the female line.

Let us now sum up in a few words the results of the facts which we have adduced.

In case the male line of the reigning house of Denmark should become extinct, the two principal component parts of the Danish monarchy must be divided. The kingdom of Denmark Proper, with its dependencies, will in that case go to the *female* line of the reigning house, while the two duchies of Schleswig and Holstein, whom their fundamental laws render inseparable from each other, will establish themselves as one particular and independent state. Being placed, as they were in former times, under the dominion of two princely houses, they will have to submit to another division, which will nevertheless not be complete, for the princes as well as the countries have a right to demand a joint regency, such as it was before the year 1712. As to the different territories of which we have spoken, their succession will be in the following manner:

A. The female line of the reigning house of Denmark, viz. the Prince Frederick of Hessen, will succeed,

1. To the ducal part of Schleswig (situated in the south, and partly in the centre of that country).
2. To the county of Rantzau (in the south of Holstein).

B. The males of the younger royal line, the Duke of Augustenburg, will succeed to all other parts of the two duchies, namely,

1. To the royal part of Schleswig (situate in the north, and partly in the centre of Schleswig).
2. To the royal part of Holstein (the whole north of that country).
3. To the ducal part of Holstein (in the eastern part of the duchy); and,
4. To the county of Pinneberg (in the south of Holstein, and on the right bank of the Elbe).

Since the treaty of 1773 no event has occurred to change the right and the order of succession of which we have just given an outline. The dissolution of the German empire in 1806 cannot affect the subject. We are well aware that some Danish writers pretend that Holstein, having ceased to be a fief of the empire, the King of Denmark had by this very fact obtained a right to do as he pleased, and to alter the order of succession in favour of the female line of his house, and to the prejudice of the males of the younger royal line. But the principles on which they rest their opinion have long ago been controverted and refuted by all famous writers of Germany.

The dissolution of the empire has indeed annihilated the duties the German princes owed to the *empire*, but it has not altered the legitimate rights of succession of the junior branches of princely houses, nor has it given to the sove-

reigns a power which might perhaps become the omnipotence of an oriental sultan, but which is altogether repugnant to the dignity of European royalty.

The rights of the younger royal line have, moreover, been *indirectly* acknowledged by the cabinet of Copenhagen. Following the example of the other German states, the Danish government resolved, immediately after the dissolution of the German empire, to establish the fact by means of a document, in which was said,—

"That Holstein would in future be *indivisibly* connected with the body of the Danish monarchy."

The duke of Augustenburg heard of this plan. He addressed a reclamation to the king, protesting against any such declaration as prejudicial to the eventual rights of his house. His remonstrances prevailed. The word "*indivisible*" was altered into "*not divided.*" This alteration made the declaration harmless.

We are now going to add some concluding remarks to our exposition. The Danish government have at all times acknowledged the indissoluble connection of the two duchies, caused by their fundamental laws, and the broad line of demarcation between the united duchies and Denmark Proper. The ancient estates of the duchies, who ever after the advent of the Oldenburg family formed a single body, have indeed not been convoked since a century (1712). It is also true that the law of 1834, introducing provincial estates into the Danish monarchy, established a particular assembly for each duchy. But in many other respects we find the mutual position of Denmark and the two duchies, identical with that of two countries foreign to one another. The kingdom and the duchies are separated by a line of customs; the latter have an administration to themselves; their civil code is vastly different from that of the Danish provinces: and the "royal law" of 1665, which conferred upon the King of Denmark proper the most illimited powers with which

a people ever intrusted their sovereign, has never been valid in the duchies.

With these facts before them, and in direct opposition to the incontestable rights of the younger royal line, did the Copenhagen cabinet yield to the will of an ultra-Danish party. The letters patent of the 8th July, 1846, state—

"That the succession, established by the royal line, is in full force and value *in the duchy of Schleswig;* that this validity originates in the diploma of the 22nd of August, 1722, and the homage which followed it, by virtue of the guarantees, stipulated by England and France, dated 14th June and 23rd July, 1721; and, lastly, by virtue of the treaties concluded with Russia, dated 22nd of April, 1787, and the 1st of June, 1773."

"On the other hand," continues the letters patent, "it results from the researches we have made, that respecting *some parts of the* duchy of Holstein, there are circumstances which oppose our asserting with equal certitude the title of all our heirs to this duchy. We give, therefore, *for the present,* to our faithful subjects in general, and to our subjects in Holstein in particular, our most gracious assurance, that all our efforts ever did and will tend to surmount the obstacles to which we have referred, and to bring about *a full and entire acknowledgment of the integrity of the state* of Denmark, in such a manner that all the provinces, now subject to us, far from separating, shall, on the contrary, be confirmed in their present connection," &c.

This declaration could scarcely be expected to allay the ferment of the public feelings. It frenzied the agitation, for it struck a blow not only against the duchies, but also against the younger Oldenburgs. The Grand Duke of

Oldenburg, as head of the second branch of the younger Gottorp line, sent copies of a declaration both to the cabinet of Copenhagen and to the German Diet, in which he protested against any prejudicial meaning of the letters patent of the 8th July. The dukes of Augustenburg and Glücksburg, heads of two branches of the younger royal line, followed his example. A powerful demonstration of the Estates of Holstein, who were just then assembling, was also expected. To prevent this demonstration, they were ordered by government to abstain from discussing the question of the succession, nor should they, on that subject, address petitions to the King. But in spite of this order, the Estates, using their illimited right of petitioning, as guaranteed by the constitutional law of 1837, voted almost unanimously an address, in which they protested, in the most formal and energetic manner, against the letters patent of the 8th of July, because they "broke the fundamental laws of the country, and violated the rights of the male succession."

The King refused to receive the address, whereupon the motion was made and carried with an immense majority, that the deputies should at once dissolve their assembly. This they did, after having addressed a reclamation to the German Diet, invoking them to extend their protection to their constitutional right of petitioning, and to the fundamental laws of the country, which were violated by the letters patent of the 8th of July, 1846.

The Germanic Diet is charged to settle the disputes among the constituent princes, or, if necessary, to resolve themselves into a Court of Judicature to decide in the same. It is likewise their duty not to permit any change in the established and acknowledged constitutions of the constituent countries, but to interfere if appealed to. The Germanic Diet was consequently obliged to step between the Copenhagen Cabinet and the Estates of Holstein, and to give a verdict in the case. The Danish government

were called upon to explain the meaning they attached to their letters patent and to the decree addressed to the Estates of Holstein, respecting the petitions on the question of succession. On the 17th September, 1846, a resolution was agreed to by the Diet, from which we give the following extract: —

"H. M. the King of Denmark, Duke of Holstein and Lauenburg, having made known by the declaration of the 7th of September, in answer to a petition addressed to the Diet on the 3d of August by the Estates of Holstein, that he had never thought of violating the independence of the duchy of Holstein, nor arbitrarily to modify either its constitution or any other institutions which the customs and laws of that country may have consecrated; H. M. having, moreover, pledged his word that his efforts for regulating the order of succession of this duchy had in no manner the object of violating the legitimate right of his Agnates; H. M. having also expressed his intention to leave the constitutional right of petition of the Estates intact; — the Diet find themselves confirmed in the credit they have ever given H. M., that in regulating in a definitive manner the questions mentioned in the letters patent of the 8th of July, 1846, H. M. will respect the rights of every one, but especially the rights of the Confederation, the legitimate rights of the Agnates, and those of the legal representation of the country. Reserving themselves, nevertheless, their constitutional competency, if required, the Diet declares:

"That it does not consider the Estates of Holstein as the legal representatives of that federal state in the Diet; that the mission of these Estates is confined to the defence of their constitutional rights; and that the complaints of these Estates of illegal changes in their constitution is unfounded. But the Diet is likewise of opinion that H. M.'s order to the royal commissary to the Estates not to accept any petitions or reclamations referring to the question of

succession, *cannot*, if absolutely interpreted, *be made to agree with the letters of the law* of the 20th of May, 1831," &c.

The Germanic Diet did thus perform the duties which the circumstances imposed upon them, and showed themselves equally firm and moderate. They addressed conciliatory words to the Danish government, forcing them, at the same time, to remove the obstacles which they had put in the way of the petitions of the duchy; and they extended their protection to the legitimate rights of both the Agnates and the Estates. In doing this, they did *not*, according to our opinion, *limit their protection to the duchy of Holstein;* for though the above quoted decision of the Diet refers in a *direct* manner to Holstein only, we opine that the eternal union of the two duchies, forming part of the fundamental and constitutional rights of Holstein, the Diet *cannot*, if called upon, *refuse to extend their protection to Schleswig.*

The resolution of the Germanic Diet has greatly contributed to calm the effervescence which the letters patent had created throughout Germany. There is, however, little confidence in government in the duchies, especially in Schleswig. This want of confidence is still increased by the measures of severity which the Danish government has thought proper to adopt, and which make bad worse. The Danish monarchy is actually divided in two opposed camps, and the government, instead of standing above the level of a party quarrel, has embraced the ultra-Danish side of the question, and taken a threatening, and almost hostile attitude to the duchies.

The complaint is serious, and the case grows daily more desperate. Is there any remedy? We know only one - let the illustrious houses, whose interests are thus opposed to each other, agree to an amicable arrangement about their eventual rights. Let them come to a definite, unmistakeable agreement concerning the right and order of

succession in the two duchies, and let the arrangement be such, that it holds good for ever, and in all possible cases.

By this they would do an immense service to the Danish monarchy, to Germany, and the whole of Europe. Denmark would have peace in her interior; Germany would cease to be a prey of the violent agitation which is now convulsing her. All European nations would rejoice to see the end of a quarrel, which in the long run might threaten their peace, and conjure up real and matter-of-fact dangers.

AN ABRIDGED CHRONOLOGICAL TABLE OF THE HOUSE OF OLDENBURG.

CHRISTIAN I., elected King of Denmark Proper in 1448; elected Duke of Schleswig and Holstein in 1460; ob. 1481.

JOHN I., King of Denmark and Duke co-Regent of Schleswig and Holstein; ob. 1513.

CHRISTIAN II., King of Denmark, and Duke co-Regent in both Duchies; ob. 1559, without leaving heirs.

FREDERIC I., King of Denmark, Duke of Schleswig and Holstein; ob. 1533, leaving three sons, viz.:—

CHRISTIAN III., King of Denmark and Duke co-regent of Schleswig and Holstein: founder of the royal line; ob. 1557, leaving two sons:

FREDERIC II., King of Denmark and Duke co-Regent of Schleswig and Holstein; ob. 1588, founder of the elder royal line.

CHRISTIAN VIII., King of Denmark and Duke of Schleswig and Holstein; ob. 1848.

FREDERIC VII., King of Denmark and Duke of Schleswig and Holstein; crow. in 1848.

JOHN the Younger, founder of the younger royal line; ob. 1622, leaving sundry sons whose progeny is extinct, excepting still:

ALEXANDER, Duke of Sonderburg; ob. 1627, leaving also sundry sons, whose progeny is extinct, excepting still:

ERNEST GUNTHER, first Duke of Augustenburg.

CHRISTIAN CHARLES FREDERIC AUGUSTUS, Duke of Augustenburg; born in 1798.

AUGUSTUS PHILLIPE, first Duke of Beck.

CHARLES, Duke of Glücksburg; born in 1813.

JOHN OF HADERSLEBEN, Duke co-Regent of Schleswig and Holstein; ob. 1580, without leaving children.

FREDERIC IV., ob. 1702, Duke co-Regent, &c., founder of the elder line of Gottorp (the Russian dynasty).

CHARLES FREDERIC, Duke co-Regent, &c.; ob. 1739; husband of Anna Petrowna, daughter of Peter I.; ob. 1728.

CHARLES PETER ULRICH, Duke co-Regent, &c., Emperor of Russia under the name of Peter III.; ob. 1762.

PAUL I., Duke co-Regent, &c., Emperor of Russia in 1796; ob. 1801.

NICHOLAS I., Emperor of Russia, born in 1796.

ADOLPHUS, Duke co-Regent of Schleswig and Holstein, founder of the Gottorp line.

CHRISTIAN ALBERT; ob. 1694.

CHRISTIAN AUGUSTUS, Bishop of Lübeck, ob. 1726, founder of the younger Gottorp line.

ADOLPHUS FREDERIC, King of Sweden; obit 1771.

GUSTAVUS IV., King of Sweden; unseated in 1819; ob. 1837.

GUSTAVUS, Prince of Wasa, born in 1799.

FREDERIC AUGUSTUS, Duke of Oldenburg; ob. 1785.

PETER FREDERIC WILLIAM, Duke of Oldenburg; ob. 1823, leaving no children.

GEORGE FREDERIC, ob. 1763.

PETER FREDERIC LOUIS, in 1823 Duke of Oldenburg; ob. 1829.

PAUL FREDERIC, Grand Duke of Oldenburg, born in 1783.

MEMOIR

OF THE

PROVISIONAL GOVERNMENT OF SCHLESWIG-HOLSTEIN,

ADDRESSED TO LORD PALMERSTON.

HAVING received the mission to protect and advocate the rights and interests of the duchies of Schleswig and Holstein at the present important period, the Provisional Government think it their duty to explain to Her Majesty the Queen of Great Britain's government the causes of the events, whose action called them into existence. The Provisional Government are convinced that such an explanation will suffice to convince her Majesty's government of the justice of their cause, and to show that the assertion of the rights they advocate, does in no manner oppose either the interests of the European powers in general, or those of the United Kingdom of Great Britain in particular; but, on the contrary, that those very interests are bound up with their success. The Provisional Government are deeply sensible of the importance of the steps taken by them being fully and justly understood. These steps are not tending to interrupt the peace of northern Germany and of the neighbouring country of Denmark; but it is also desirable to prevent their being insiduously made the cause of a war.

The duchies of Schleswig and Holstein were, even in times of old, inhabited by Germans; it was from thence that the German population of the British islands immigrated. In the present time, too, they are, for the major part, a truly German country. The nationality of Holstein, indeed, has never been doubted. As a member of the Germanic Empire and Confederation, its national and politic character was freely acknowledged by its dukes and by the royal house of Denmark. But with regard to Schleswig the case has hitherto been different. The western parts of that duchy belong to a genuinely German population from the tribe of the "Friesen;" its south has ever

been free from Danish influence; its northern regions, the home of the "Angles" of old, was formerly German, and has again become so. The cities are German throughout, and the very inhabitants of the northern border are imbued with German interests and sympathies. Nevertheless, the duchy could not as yet succeed in obtaining an incorporation with the Germanic Empire or Confederation. This was of less importance in former times, when national diversities exercised less influence upon the condition of a state, than is the case in our own days. Besides, the duchy of Schleswig, independent as it was, and closely connected with Holstein, and by means of Holstein with the rest of Germany, seemed to have every possible guarantee for its nationality.

The duchy of Schleswig's political independence from the kingdom of Denmark commenced 600 years ago. Its connection with Holstein is of 400 years' duration. They passed over from one century into another, developing their common energies, confirming their national rights, and increasing in strength by the unqualified adhesion of the inhabitants of either duchy. The princes of Holstein had at first but a feudal tenure on the duchy of Schleswig, but since the advent of the Oldenburg family, 400 years ago, the two countries have entered into a more immediate and intimate connection: they acted in concert, and obtained memorable documents by which their independence and indivisibility was repeatedly assured them. Their joint existence, which originated in those days, remains essentially unaltered: the very title of the Oldenburg family, now and in future, rests on the agreements which were made in those times. The dukes of the country were also kings of Denmark, but they received our oaths of allegiance, not in as much as they were kings, but in as much as they were our own dukes. A constitution essentially differing from that of Denmark;—a separate administration, a separate code of laws, and, at a later period, a different order of succession, placed their original distinctness past all kinds of doubt. It was not the fact of one political body formed by a conglomeration of various countries, but an accidental union of sundry dominions in one hand. These countries concluded, indeed, treaties and alliances among themselves, but the very fact of their having done so, proves that they were not considered to be parts of a compact and politically homogeneous mass. Nor did the same

members of the Oldenburg family at all times reign in the duchies and in the kingdom. But the princes of Schleswig and Holstein received their government from both these countries at once. A title to Holstein was considered to be equally a title to Schleswig; the act by which a prince was raised to the sovereignty in one duchy constituted also his advent in the other. Besides, Schleswig was for a long time a fief of the Danish crown, which the king conferred upon himself, while he, as duke of Holstein, had to solicit the fief at the hands of the German empire. This feudal dependance was 200 years ago abolished, in consequence of the northern war, and the last legal tie which bound Schleswig to Denmark was torn asunder. Schleswig was from that time a sovereign principality, part of which only had a community of masters with Denmark, while it remained intimately and constitutionally connected with Holstein. By the action of recent events, especially by the dissolution of the German empire, has an equal sovereignty been conferred upon Holstein. The latter was received into the Germanic confederation, and thus publicly acknowledged and sanctioned as a German sovereign state.

But the legal bearings of either duchy upon Denmark did not, in that time, undergo any change. The political events of the 18th century have put a stop to former divisions of the country among different branches of the Oldenburg family. The Glückstadt branch (which also reigned in Denmark) came first into the share which formerly belonged to the Gottorp line, and proceeded to monopolise the domination of Holstein. The German principalities, Oldenburg and Delmenhorst, were next exchanged for the possession of Holstein. These proceedings terminated the unfortunate divisions of the country; they silenced the quarrels of princely families; they established the peace of Northern Europe. And the principal European powers, by their guarantees of 1720, and by their adhesion to the treaties of 1773, contributed to the re-establishment of peace and legal order in the two duchies.

The above events could not endanger the national independence of the duchies as states. There was no more intimate connection with Denmark than that which resulted from a common sovereignty and from the circumstances of the time. But amongst themselves they did remain united, not only in

legislature and government, but in every other respect likewise. The succession of the male line, which alone is valid in Germany, remained in force; and this male succession was, moreover, specially confirmed by the Estates, and the private resolutions of the princes. The German character, too, of the duchy of Schleswig was respected. The two duchies had the official denomination of the "King's German lands," and their supreme court of government was the "German Chancery" — a court which was perfectly independent from Danish rule and Danish measures.

But it was in this time that the government of Copenhagen, whose very seat exposed it to the action of Danish influences, began to incline towards a closer connection and ultimate union of the duchies and the kingdom. The political views of the 18th century; the undue importance which those times attached to a unity of the regency; the comparative insignificance into which the joint estates of the two duchies had sunk — all these favoured the scheme, which advanced by slow and cautious steps, tacking itself all the while to an ostensible anxiety for the pecuniary interest of the country. Hence there was no decided opposition against it. Nationality with us, as in the rest of Europe, exercised no influence on the resolutions of the then politicians. Besides, the German character of the country stood in no particular jeopardy, for the German element was of great influence in Denmark itself.

When the Danes arose against German influence — when, not satisfied with asserting their own independence, which they were fully entitled to do, the Danish people sought to establish their national supremacy even in the heart of the "King's German lands" — then was this state of things suddenly changed. It was the very time that the unadvised policy of Denmark engaged her in a fatal war, placing her in opposition to the government of the united empire of Great Britain, and causing a friendly connection of the former country with France. The duchies were then forced to share in and bear the consequences of measures diametrically opposite to their interests and wishes; their former lasting and natural connection with England was interrupted, their trade endangered, and the axe laid to the roots of their prosperity. And when the rest of Germany rose in arms against France, then were

these German principalities condemned to stand back; — nay, they were even forced to assist the common enemy, and to submit to a hostile aggression of their own countrymen, with whose cause the secret hearts of the people had ever sympathised. Holstein was, by the treaty of Vienna, placed beyond the possibility of a recurrence of a similar abuse of its German nationality; but the claims of Schleswig were not then considered; and though its connection with Holstein remained the same, yet its German character received no substantial recognition.

The narrow limits of the sphere of action of the Germanic Confederation alone could allow such a state of things to continue. Even Holstein was again drawn into a closer connection with the kingdom. All the griefs of ruined finances, of mal-administration, of a government, at once foreign, and open to foreign influences, — these, and many more things, were manfully borne by the duchies.

For the people of Schleswig-Holstein were not broken by the load Providence cast upon their shoulders. Their zeal has for thirty years been unremitting. They had a long struggle for their independence. They strove to obtain a common constitution, to which they were entitled, and they sought to obtain their end in a legal manner, and by legal means. The Hanoverian minister of state, Count Münster, (a name known and respected in England) gave twenty years ago his energetic support to the demands of the duchies, then at issue before the Germanic Diet. The *Kings of Denmark*, as dukes of the two countries, *have repeatedly pledged their word* that the rights of the duchies should not be infringed, and that their independence and mutual connection should remain intact. Up to H. M. the present king, they have all, without exception, confirmed the ancient privileges of Schleswig and Holstein. But their promises have been broken; their words were at variance with their deeds; the rights of the two countries were violated: they were treated with contempt.

An impartial observer might since long have seen, that the German house, now reigning in Denmark, is not only estranged from its German origin, but that it even turned a Danish face to its German subjects. They were influenced by the national zeal of the Danes, who, not satisfied with directing the councils

of the common sovereign, used also their private exertions to promote a closer connection of the duchies with Denmark. Schleswig, in particular, was claimed by them, because it was defenceless, and because the peasantry in its northernmost frontier district happen to speak the Danish language. The hateful and unjust measures taken by part of the Danish people, and countenanced by government, have provoked a violent opposition and very angry feelings throughout the German countries, and convinced them of the imperative necessity to have their nationality and their rights properly guaranteed against their unremitting aggressors. The provincial estates founded by King Frederic VI., promoted this object in all their motions and petitions. Their exertions were unavailing. The late king, Christian VIII., took step upon step towards a transformation of the institutions of the duchy into those of the kingdom and the military, money and banking system show deplorable traces of his activity in this respect. Danish civil and military officers were appointed and promoted to all places of dignity and confidence in the duchies, whose natives could obtain preferment only by sacrificing the interests of their country to the promotion of this insidious scheme.

King Christian VIII. published his letters patent of the 8th July, 1846. This was another step towards the end in view. It was caused by the importunities of a certain Danish party, and it proved how little our duke was able to understand and appreciate the true condition of our country. This step of his produced a violent shock; it caused a continuous commotion throughout the country. Our feelings were sympathized with, not only by the Germans, but also by all other Exropean nations. The duchies rose as one man and claimed their right. They did so calmly, but determinately — in a legal manner, and without any violence. They demanded a formal recognition of the principles on which their national law is founded. The duchies of Schleswig and Holstein are independent states, and indivisibly united with one another. They are not subject to the female succession of the Danish royal family, but their heritage belongs to the male line of the House of Oldenburg.

Two years of doubt and uncertainty have since elapsed, and for two years have the Danish government done all they could

to bend our wills to their wishes. But it was all in vain: the sense of the violation of our rights manifested itself more and more among the inhabitants of our country. Christian, the king, was aware of this, but even while death was upon him he turned in another direction, and sought to accomplish his purpose by using the constitutional development of his various countries as a means more closely to unite them, and thus to deprive the duchies of their individual existence as independent states. The task outlasted his life, but he leagued it to his son, King Frederic VII. This new Duke of Schleswig and Holstein *commenced his reign by promising the forms and the name of political liberty*, and thought by this pretence to accomplish the long-resisted union of the duchies of Denmark.

It is but natural that such a step should have tended to increase the unsettled state of our minds. The duchies have resolved to seize upon every means to preserve the peace, and to appoint some men of public confidence, commissioning them to form a committee with an equal number of men from the kingdom, and to advise means to regulate both their constitutions.

Such was the condition of affairs when the revolutionary movement in France communicated itself to the nations, and when our country too began to feel its influence. Other nations rose to assert their independence and liberty. Is it astonishing that we felt our insults the deeper, and our wrongs the more grievous, and that we, too, yearned for national and political liberty? Can it be wondered at, that we wished to claim our own, which so unjustly was withheld from us?

The inhabitants of the duchies remained still unaffected by the riotous disposition which in those days spread over Europe. They contended themselves with petitioning for their right.

While the duchies were still hoping that their just prayers would not remain unheard, a cry was got up among the people of Denmark—a cry which in earlier times had been raised, but with which the Danes themselves had never dared to sympathise. Schleswig was to be torn from Holstein, and incorporated with Denmark, and both countries were to be essentially united by a common constitution. The legal succession of the male line was to be usurped by the female succession of

the Danish dynasty. The rights of the Oldenburg family, of the Schleswig-Holstein people, of the German nation, were equally disregarded, and voted to a common destruction.

His Majesty King Frederic VII. and his Councillors, however, averse to acknowledging the rights of the duchies, have nevertheless for a time opposed so violent and unjust a demand. For it was but a few weeks prior his Majesty had pledged his word "*that at* least the *present* union *of the two duchies should be respected.*"* But the fanatics among the Danes chose the present moment of European difficulties, to extort a refusal of the just demands of Schleswig-Holstein, and the adoption of violent measures against the Duchy of Schleswig. By assembling the populace before the King's palace, by ominous votes of a want of confidence, and by direct threats, did they force the King to dismiss his ministry, and to surround himself with men, whose hostile and unjust zeal respecting the duchies, had repeatedly displayed itself. It seems hardly decent to repeat the current reports of the events of those days, suffice it to say, that the Duke of these countries was no longer a free agent; that he was induced to break his recent promises, to proclaim measures which he had opposed, and which cannot be considered but as a flagrant breach of our ancient treaties, and as an abdication of the title, which alone constitutes his claim to the duchies. The *immediate and spontaneous dissolution of all German administration Courts, which surrounded the King,* followed closely upon this step. No German was found to participate in these measures.

The duchies now reduced to a state of self defence, their existence was threatened. The independence of Schleswig was annihilated; the rights of the King's German countries had been sacrificed to the revolutionary movements of the Danish capital. It was but natural that the duchies should oppose these proceedings, and resolve to risk their lives and properties in the defence of those rights. But they wished also to preserve order and legality in their interior, and considering the power of the lord of the land paralysed and overawed by a foreign, unlawful, and revolutionary party, the members of the Provisional Government were called upon by their fellow citizens

* Letters Patent of 20th January, 1848.

to undertake the administration of affairs, the defence of the country, and the care of its interests; and to resign their power in the hands of their sovereign, at any time the King appears among his German subjects, free and unshakled by foreign influences. But they were also resolved that their rights, so long withheld and so grossly violated, should henceforward be established on so broad and unmistakable a basis, that any future attack might appear equally ridiculous and impertinent.

The diet of the two duchies have confirmed the Provisional Government in their functions, and the latter think that no further justification is required for the steps which they have been forced to take to save the country from foreign violence and from anarchy. But they are also convinced that they cannot succeed in establishing order and independence unless they are countenanced by the great European powers, and especially by her Majesty the Queen of Great Britain's government.

Nothing can more tend to contribute to the establishment of the guarantees of a lasting peace, than the final settlement of the Schleswig-Holstein question, which cannot be effected unless the just claims of the duchies are considered, and unless the independence of Schleswig is secured against all further attacks. A German federal state cannot for the future be constitutionally united with a foreign kingdom. Only so formal and complete a separation, as that which formerly existed between England and Hanover, will prevent the most mischievous confusions. For if Schleswig were to be forced into a union with Denmark, the signal to an endless quarrel would be given. The Schleswig people, strengthened by the sympathies of the great German nation would again and again endeavour to free themselves from a foreign yoke. They would not rest until they had obtained what they now claim, and though the Danes might have possession, they would certainly not enjoy it.

An independent organisation of the two duchies, and their incorporation with the rest of Germany — such is the only means to avert the impending dangers. The balance of power in Europe would suffer no change from such an arrangement, for the people of Schleswig-Holstein do not object to their community of sovereigns with Denmark. The duchies had not

the necessary power and influence for effecting such an arrangement; but the people of Denmark and their royal house might have taken measures to effect this "personal union," as alluded to. They may do so even now.

But whatever the position of the duchies with regard to Denmark will be, one thing is certain: that they are of the greatest importance for the trade and international communication of Europe; and that their government ought to have no other aim than the one which their geographic position offers. The government of Schleswig-Holstein should be uninfluenced by political prejudices, peculiar to the Danish state, and which have repeatedly caused a detrimental interruption of peace.

The only end the duchies can ever have in view is to advance and facilitate mercantile connections and communications with the united empires of Great Britain. Their own comfort and prosperity is bound up in this. The produce of Schleswig-Holstein has at all times gone to English markets; while English manufactured goods, the treasures of her transatlantic colonies, and English coals, find a ready and advantageous sale in our country. The important mercantile connection of Hamburg with the United Kingdom is almost wholly owing to that city's vicinity to and connection with our country, whose ports vie with their great neighbours in extending and facilitating the exchange of the productions of both countries. The independence and safety of our country cannot fail to advance these interests; and an increase of the mercantile steam navy and mutual modifications of the Navigation and Customs Laws, cannot fail to ensure and assist their beneficial influences.

A future closer connection of the two duchies and the great German empire will in that case strengthen the bonds of unity and friendship between England and the greatest continental nation. For though the provinces of the interior — if isolated —might think it their interest to seclude themselves from the great markets of the world, and to protect their native industry, they cannot but yield to the claims of the countries in the North Sea and the Baltic, whose very existence is bound up in their transmaritime trade.

The provisional government of the duchies Schleswig-Holstein thinks that these interests above will suffice to secure them the sympathies of the English nation and government.

They are convinced that, under present circumstances, a union of England and Germany can alone protect and advance the interests of peace. The provisional government are also aware that Great Britain has at all times sided with the oppressed, and that her principles are opposed to a system of injustice and tyranny. They trust that her Majesty's government will not give an active or passive adhesion to so flagrant an act of injustice as that intended by the Danes. They hope her Majesty's government will continue to regard them with their former kindness and friendliness, now that they are forced, by circumstances, to assert their right against the violence of a hostile party.

Our adversaries are at this very moment carrying out their hostile measures, and have, in flagrant violation of all law and justice, taken possession of some cities and districts of Schleswig. This act of theirs is one of open hostility against a German country, and against the German empire. The Duchy of Holstein, as a member of this empire, is entitled to protection, not merely in its separate existence but also in its union with Schleswig. The neighbouring German states have readily granted their assistance. It remains to be seen, whether his Majesty the king of Denmark's government, will, by these steps, be led to consider the injustice and the dangerous nature of their proceedings, and whether they will be induced to grant the duke of these countries the liberty he wants, to acknowledge and guarantee the rights of the duchies.

But if our expectations on this score should be disappointed, if war is to decide between the duchies and Denmark, then, we trust, will her Majesty, the Queen of Great Britain's government, countenance and promote the cause of the German duchies; nor will they, we are assured, allow any interruption of the mercantile connexion between the two countries.

THE PROVISIONAL GOVERNMENT:—

BESELER, FREDERICK, PRINCE OF SCHLESWIG-HOLSTEIN, REVENTLOW, PREETZ, SCHMIDT, BREMER, OLSTRAUSEN.

Rendsburg, the 6th of April, 1848.

OFFICIAL DOCUMENTS

RELATING TO

THE SCHLESWIG-HOLSTEIN AND DANISH QUESTION.

OFFICIAL DOCUMENTS IN 1844 AND 1846.

1. Protest of the Assembly of States of Holstein, of 21st of December, 1844.
2. Letters-patent of King Christian VIII., Duke of Schleswig-Holstein, dd. 8th of July, 1846.
3. Extracts from the Royal Notification to the provincial states of Holstein, in answer to the opinion pronounced by them in 1844, dd. 8th of July, 1846.
4. Address of the Provincial Assembly of the states of Holstein to His Majesty the King of Denmark, as Duke of Holstein, d. 24th of July, 1846.
5. Petition of the states of Holstein to the Germanic Diet, dd. 3d of August, 1846.
6. Answer of the Germanic Diet to the states of Holstein, 17th of September, 1846.

1.

Protest of the Assembly of Estates of Holstein, of the 21st of December, 1844.

"SIRE,

"The Holstein Estates approach again your Majesty's throne. A great and important event, and one of vital interest for the duchies, commotes the inhabitants of our country, and commands their representatives to secure their rights.

"It might justly be called a presentiment of the impending fate that now, in the commencement of the present session, and in the address which we voted to your Majesty, mentioned the independence of the duchies, and their consequent national and legal alliance. We did it intending to mediate and to do away with misconceptions which appeared to threaten the power of the countries subject to your Majesty's sceptre. We could not foresee that most dangerous vote against the independence of the duchies which, in these very days, was adopted by the Roeskild Assembly of Estates, whose convocation coincided with our own.

"As most dangerous do we consider the motion made and adopted in the 2d session of the Rocskild Assembly of Estates, 'that your Majesty might be pleased to declare in a solemn manner that the Danish monarchy, Denmark proper, the duchies of Schleswig and Holstein, together with the duchy of Lauenberg, shall form one sole, indivisible empire, and be an undivided heritage, according to the provisions of the royal law, and that your majesty should, consequently, make the necessary arrangements to prevent, in future, any step or steps tending to dissolve the union of the constituent parts of the state.'"

This motion did not affect the rights of the kingdom: nobody doubted the unity and indivisibility of the kingdom of Denmark, and much less its succession according to the Danish royal law. The motion, indeed, did not pretend to confirm so undisputed a fact. Its meaning was directed against the duchies, of whom it asserted that they were indivisible from the kingdom, and that they stood under the Danish royal law of succession. An assembly of Danish estates is not entitled to make such motions; and, in doing so, they trespass on ground which to them should be holy.

"The Duchies had a right to expect that your Majesty's Commissioner would censure such conduct, and call the defaulters to order. In this they were disappointed. Your Majesty's Commissioner, who is moreover a member of the Privy Council, expressed his "sympathy with the motion," and took upon himself to assure the Estates, "that your Majesty would certainly be pleased with a petition of this kind." He

is free to confess that the motion has a tendency towards an act of violence, and he approves of this tendency, for he declares — "he presumes that the government will be inclined to consider whether any possible objection might not at once be put aside, and the proposed energetical measures adopted, in such a manner that the declaration of the indivisibility of the Empire, and the joint succession, according to the royal law, should be accompanied with a prohibition to discuss the subject. And in the next sentence he adds: "that he does not think the declaration of the right of succession will have any effect, unless it be tacked to the proposed energetical measure, viz., the prohibition of all discussion concerning the same." The Royal Commissioner goes even further. He calls upon the Danish Provincial Assembly of States for their adhesion to the motion, and says, the votes of the Assembly on this subject would certainly influence the Government." He declares further, that the condition which the motion tends to create, is, according to his opinion, already in legal existence, and he protests that "the indivisible union of Schleswig with Denmark is founded upon treaties; namely, on the treaty of peace of 1720, and the homage which followed it; that Schleswig's union with Denmark, respecting the succession, is indivisible, that it was formerly recognised as such, and that the cunning interpretations of this homage in later times prove nothing." He adds, that as to Holstein, he cannot but think that the patent of the 9th of September, 1806, and the state of things which provoked it, is highly important, and that it has wrongly been supposed that this act had lost its validity by the fundamental act of the Germanic Diet, but, on the contrary, it had been confirmed by the same.

These declarations of the Royal Commissioner at the Roeskild Assembly have highly offended the inhabitants of the Duchies. The excitement of the country vented itself in numerous addresses from almost every town of the two Duchies, and which are covered with the most respectable signatures. They are all expressive of the credit given to us, that we shall preserve the rights of the country. The Holstein Estates have up to the present moment waited for some explanations from the King, to dispel their apprehensions and those of the

country. No such explanations have been issued. It has therefore been moved, —

"That respecting the declaration of the Ministers of State, voted in the 7th sitting of the Roeskild Assembly of this year, a protest shall be drawn up and presented to his Majesty the King."

This motion was subjected to the consideration of a Committee; it was discussed, and the present protest unanimously agreed to.

"Sire,

"The Duchy of Holstein have at all times been faithful to their Sovereign, and to the pledges they have given. In this respect we vie with our fathers. We respect the ancient connection of the Duchies and the Kingdom, and we acknowledge the advantages which result therefrom. But we are equally positive respecting the rights which we have inherited from our fathers.

"We protest: —

"*The Duchies are independent States.*

"The Duchy of Holstein became independent by the dissolution of the German Empire, on the 6th August, 1806. It was recognised as an independent German federal State, by the Act of Vienna, of the 15th May, 1820. (A. i. and ii.)

"The Duchy of Schleswig became independent by the treaty of Copenhagen of the 12th May, and the diploma of sovereignty of the 13th May, 1658. It was acknowledged as an independent Duchy by the peace of Fontainebleau in 1680, by the treaty of Altona in 1700, and by the peace of Traventhal. The independence of the Duchy is moreover placed above all doubt by your Majesty's assurance in 1842 to the Estates of the Duchy of Schleswig, that the conditions of internal law on which 'the independence of the Duchy of Schleswig is based, shall remain intact.'

"And we further protest: —

"*The male line reigns in the Duchies.*

"All imperial letters of enfeoffment designate Holstein as a fief of the male line. That the right of succession is nowise affected by the abolition of feudal law has already been legally established.

The election of your Majesty's ancestor, Christian I., with the right of succession of the dynasty, stipulated the succession in favour of the male line. The right of primogeniture in the reigning families was introduced for the elder royal line, by the statute of the 29th July, 1650; for the younger royal line by the family grant of the 17th September, 1633; and for the family of the Dukes of Gottorp by the agreement of the 9th of January, 1607.

And we protest, lastly,

The Duchies of Schleswig and Holstein are firmly united states.

Your Majesty's ancestor, King Christian I., promised at his election for himself, his successors, and heirs,

"Dat se bliven ewich tosamende ungedeelt."

that they for ever remain together undivided.

His promise was respected by all his succcessors in the Oldenburg line, for the union of the duchies in law and administration exists ever since that time.

Your royal Majesty has, as late as 1842, assured the Estates of the Duchy of Schleswig of this union, by declaring —

"That the present union of the Duchy of Schleswig with the Duchy of Holstein shall be preserved"

These rights to which the duchies are entitled remain unaltered to this day.

The patent of the 9th of September, 1806, was but meant for a declaration of the emancipation of Holstein from the late imperial sovereignty, and of the commencement of the King's sovereignty as Duke of Holstein.

This patent did not propose to incorporate the duchy of Holstein with the kingdom, for the words "indivisible part," on the draft of the patent, were on the protest of the Duke of Augustenburg erased, and replaced by the words "undivided part."

Every doubt, as to the independence of the duchy of Holstein, has vanished since King Ferdinand VI. joined the Germanic Confederation; for this Confederation is a league of

German sovereign princes and of free cities.* It exists as a community of independent and sovereign states.†

The patent of the 9th of September, 1806, cannot have changed the order of succession in the duchy of Holstein, for such a thing is nowhere pronounced in this patent. A change in the order of succession was not intended by it, for King Christian VII., as Duke of Holstein, gives by it very satisfactory assurances to the Agnates of his dynasty.

The independence of the duchy of Schleswig has not been abolished by the treaty of peace in 1720, and the homage which followed it.

The treaty of peace of the 3d of June, 1720, contains nothing, on the part of Sweden, beyond a promise to agree to the stipulations of the mediating powers respecting Schleswig.

The exact words are as follow: —

" Sa Majesté Suédoise pour elle et la couronne de Suéde déclare et promet par ces présentes de ne s'opposer directement ou indirectement à ce que sera stipulé en faveur du Roi de Danemarc, concernant le dit duché de Schleswig par les deux puissances médiatrices."

The promise of France, with respect to Schleswig, dated $\frac{3}{14}$ June and 4th of August, 1720, is the following: —

" Le roi très-chrétien a bien voulu, pour toutes ces considérations et sur les instances des rois de la Grande-Brétagne et du Danemarc, accorder à cette dernière couronne, comme il lui donne par ces présentes, la garantie du duché de Schleswig, promettant, en considération des susdites restitutions stipulées dans le traité signé cejourd'hui à Stockholm pour les plénipotentiaires de Suède, de maintenir le roi de Danemarc dans la possession paisible de la partie ducale du dit duché."

England promised, by the act of guarantee of the 23rd July 1720:

" Sa Majesté Britannique promet et s'oblige, pour lui, ses héritiers et successeurs, de lui garantir et conserver dans une possession continuelle et paisible la partie du duché de Schleswig, laquelle Sa Majesté Danoise a entre les mains."

This treaty of peace with its various deeds could not change

* Vide p. 1. of the Vienna Treaty, 15th May, 1820. † Ibid. p. 2.

any thing in the national law of Schleswig: for no mention was made of that point. The fact of the possession only was guaranteed. It could not influence the whole of the duchy of Schleswig, because it evidently refers only to the princely part (fürstlichen Antheil) of that country.

The homage of the 4th September 1721 did not incorporate the duchy of Schleswig with the kingdom; its princely part was by that homage joined to the royal part. King Frederick IV. declares in his patent of convocation of the prelates and nobles:

"We have resolved to retake possession of Duke Charles Frederick of Gottorp's part of the duchy of Schleswig; the which in a time of difficulty and misfortune was unjustly severed from the crown of Denmark."

And it is further said:

"We have resolved to reunite and incorporate the said part with ours, and for this purpose to demand and to receive, *we alone*, the oaths of fidelity from the estates, from the prelates and members of the knightly body."

The formula of the oath is the following:

"In consideration that, by your letters patent, dated the 22nd of August 1721, Your Royal Majesty of Denmark, &c., my gracious king and lord, you have thought proper to reunite to your own part the former ducal part of the duchy of Schleswig, and to incorporate the same anew and for ever after with your crown, the which having in older days been severed from the said crown *injuriâ temporum* — I promise and hereby pledge myself, by and in virtue of these presents, for myself and my heirs and successors that we, myself and they, acknowledge and hold Your Royal Majesty of Denmark, etc., for our sole and unique sovereign lord, and that we shall and will be faithful to yourself as well as to your royal heirs and successors, *secundum tenorem legis regiæ*, &c."

This oath of allegiance was sworn only by the inhabitants of the princely and joint part of Schleswig, but not by the inhabitants of the royal part. This act could not, therefore, influence the national law of the duchy of Schleswig, since only part of that duchy took that oath. The princely and joint part of Schleswig was incorporated not with the kingdom of Denmark but with the royal part of the duchy of Schleswig. The

king received the oath not as king of Denmark but as former joint regent, and now unique sovereign. The oath was not meant to infringe any of the existing rights of the Schleswigers, for on the very day of the homage were "all subjects" renewed and confirmed "in their former privileges, immunities, rights, and other liberties." The king declared a few days later (17th September, 1721), on the prelates and nobility petitioning him to confirm the privileges of the country, and that "diets should in future be convoked in these duchies," "that H. R. M. on this point, if the junctures should be found to be such that necessity should demand the convocation of a diet in the two duchies, would notify his further pleasure to his faithful prelates and nobles, and take his measures accordingly."

The order of succession of the kingdom of Denmark was not by these events introduced into the duchies: such an idea is no where pronounced. The oath of allegiance was sworn to King Frederic IV., and his heirs and successors, secundum tenorem legis regiæ. But this lex regia could not be identical with the Danish royal law, for the princely part of the duchy of Schleswig was not incorporated with the kingdom of Denmark, but with the royal part of the duchy of Schleswig. The royal part of Schleswig was not subject to the order of succession of the Danish royal law, but to the provisions of the royal statute of the 24th July, 1650. Nor was it Frederic's intention to introduce the Danish succession, for he recognised as early as 1722 the Duke Frederic Charles of Rönn as entitled to the Schleswig succession. The homage of the 4th September, 1721, could, therefore, merely suspend the existing disposition of heritage of the 9th January, 1602, for the joint and princely part, the Gottorp line, and introduce the law of succession of the 24th July, 1650, which was in force for the royal part.

Indeed nothing further could have been intended and obtained by an oath exacted from and sworn by a certain number of landholders and officials.

However opinions may vary as to the order of succession of the male line among the agnates of the dynasty, we and all your Majesty's faithful subjects can but wish that it please Providence to prorogue the debate on this question to the furthest

ends of time. But as to the exclusive right of the male line to the succession in the duchies, there can, we think, be but one opinion.

The motion of the Roeskild Assembly opposes these documentary rights; for if the order of succession was taken away from the Duchies, and with it the most essential part of their national independence,—if the Duchies were to be merged into the kingdom, they would be degraded to Danish provinces. The Duchy of Holstein could not then stand on a level with the other independent States of the Germanic Confederation and your Majesty would no longer be a sovereign German, Prince.

The man who brought this motion forward pretended it was to act as a panacea against evil tendencies, which he alleged to be busy dissolving the political union of the Empire. Your Royal Majesty's Commissioner expressed his sympathy on this point likewise. We are wholly ignorant of such tendencies existing in these countries; we are not aware of any desire to dissolve the political union of the Duchies with the Kingdom. We declared as much at the commencement of the present session, and our Address to this effect was re-echoed and confirmed by the voice of the country. We dared to hope that our declaration would suffice to silence the voice of calumny, but we regret that it has not met with an equally candid reply. With a free conscience, but deeply sensible of our wrongs, do we protest to your Majesty, that the allegations of the Roeskild Assembly on this score are as so many falsehoods.

That motion does not merely *violate* the independence of the Duchies, but it threatens our possessions and consciences likewise. Even the most unlimited monarch cannot make a one-sided change in the succession. *Perjury and civil war were at all times the consequences of such a measure.* This it is which history teaches, and which in our own days is glaringly set forth in the fate of Spain.

The motion is an insult offered to us. The manner in which it was received poisons the wound. Your Majesty's Ministers of State, as members of the united Council of the Kingdom and the Duchies, asked the Danish Provincial Assembly of Estates to support the motion against the independence of the Duchies. He assured them that their advice would be a welcome support to

government. Can, therefore, any thing be more opposed to your Majesty's present assurances "that your Majesty's endeavours are always tending to devote an equal care to the various rights and nationalities of your faithful subjects? Can there be any thing more opposed to the nationality of your German subjects, and more hostile to their rights?

But the means proposed to attain the end are worse than mere insults. Your Majesty is asked to prohibit all discussion of the point by an act of most arbitrary power. Such a measure would bear the consciousness of wrong on its very face. May our sovereigns never be reduced to have recourse to such hateful and ignominious measures!

But even that means would be found inefficient. In questions of right, an arbitrary decree may possibly succeed in enforcing a short-lived obedience; but it can never do away with contradiction, or bend public opinion to its will.

Besides, there is danger in such a path. Your Majesty's throne, like that of your royal ancestors, is based on right, and on right must the future succession to the throne be based, not on an arbitrary decree. The present and the past coincide in this demand. Whatever is unjust will not stand. Violence is powerless against the feelings it conjures up. They must, sooner or later, find their vent, and endanger the existence of the state.

We do not doubt your royal Majesty will respond to the trust your faithful German subjects place in your justice and wisdom, by not heeding the advice of the Roeskild Assembly, if they should tender it.

But, however great our confidence in your Majesty may be, we, as conscientious representatives of our constituents, feel it our duty to enter our solemn protest against any infringement of the national law of the country.

We depose this protest, unanimously voted in a plenary assembly, before your Majesty's throne, and rely upon your justice and wisdom for the appreciation of our sentiments.

Itzehoe,
This day, the 21st December, 1844.

Wiese,
President.
Balemann,
Secretary.

Answer of the Germanic Diet to the Estates of Holstein, of the 17th of September, 1846.

"H. M. the King of Denmark, Duke of Holstein and Lauenburg, having made known by the declaration of the 7th of September, in answer to a petition addressed to the Diet on the 3d of August by the Estates of Holstein, that he had never thought of violating the independence of the Duchy of Holstein, nor arbitrarily to modify either its constitution or any other institutions which the customs and laws of that country may have consecrated; H. M. having, moreover, pledged his word that his efforts for regulating the order of succession of this Duchy had in no manner the object of violating the legitimate right of his Agnates; H. M. having also expressed his intention to leave the constitutional right of petition of the Estates intact; — the Diet find themselves confirmed in the credit they have ever given H. M., that in regulating in a definitive manner the questions mentioned in the letters patent of the 8th of July, 1846, H. M. will respect the rights of every one, but especially the rights of the Confederation, the legitimate rights of the Agnates, and those of the legal representation of the country. Reserving themselves, nevertheless, their constitutional competency, if required, the Diet declares:

"That it does not consider the Estates of Holstein as the legal representatives of that federal state in the Diet; that the mission of these Estates is confined to the defence of their constitutional rights; and that the complaints of these Estates of illegal changes in their constitution is unfounded. But the Diet is likewise of opinion that H. M.'s order to the royal commissary to the Estates not to accept any petitions or reclamations referring to the question of succession, *cannot*, if absolutely interpreted, *be made to agree with the letters of the law* of the 20th of May, 1831," &c.

The Diet readily acknowledges the patriotic sentiments which on this occasion have been manifested in the German Federal States. The Diet grieves at the hateful aspersions which have likewise occurred; and the Diet is confident that the High Federal Government will exert their care in repressing these

passionate irruptions within their proper limits. The Diet is, moreover, assured that his Majesty the King of Denmark will be very happy to return the politeness.

Petition of the States of Holstein to the Germanic Diet, &c. &c. Itzehoe, 3 August, 1846.

The Assembly of States of the Duchy of Holstein begs, in pursuance of a resolution voted this day, to place into the hands of the high Diet certain documents which tend to show, that our sovereign the King of Denmark, Duke of Schleswig-Holstein and Lauenburg, has, in opposition to a protest voted by the Estates of the Duchy of Holstein against certain motions affecting the national laws of the Duchies of Schleswig and Holstein, which was brought forward in the Roeskeld Assembly of Estates of 1844, by his letter patent of the 8th of July 1846, declared his intention of uniting the independent federal state of Holstein with the body of the Danish monarchy; — that the said letters patent give to the rightful and indivisible union of Schleswig with Holstein, which the latter state is entitled to, an interpretation which must be considered equivalent to an entire annihilation of that union; and further, that in certain royal notifications their constitutional right of petition and remonstrance, respecting the national law of Schleswig and Holstein, is denied them, and their endeavour to obtain the redress of their grievances in a legal manner is baffled by the sovereign refusing to hear them.

The Estates of Holstein have therefore felt themselves in duty bound to notify this state of affairs to the high Diet, who are bound to maintain the right of each individual federal state at home and abroad, whenever the party aggrieved shall make complaint.

Itzehoe, this day the 3rd of August, 1846.

2.

Letters Patent of King Christian VIII. Duke of Schleswig-Holstein.

We, Christian VIII., by the Grace of God, King, &c., notify to all whom it may concern. Inasmuch as it hath repeatedly been brought to our notice that sundry among our subjects do entertain certain confused and erroneous ideas concerning the succession in this our monarchy, and that the said ideas have been used to create disquietude and grief respecting the future of our common country, if the case should happen, and Providence should have decreed the extinction of the male kind of our royal house, by the which feelings of enmity and rancour are begot and fostered among the natives of our different provinces, we have thought it our duty, as common father of these countries, to appoint ourselves a commission to inquire into and examine all acts, deeds, and documents, whatever they may be, concerning the rights and order of succession, and to inquire into and examine likewise all circumstances that may be connected with or affect the said rights and order of succession.

The results of this examination having been most humbly reported to us, we have, after a mature consideration of them in our privy council, come to the full conviction, that as there exists no doubt as to the succession in our Duchy of Lauenburg, the which was acquired by treaties for the crown of Denmark, so does the like succession of the royal law have full force and validity in the duchy of Schleswig, according to the letters patent of the 22d August, 1721, and the homage which succeeded them; and also by virtue of the guarantees of England and France of the 14th of June and the 23d of July, 1721; and, lastly, according to certain treaties concluded with Russia on the 22d of April, 1767, and on the 1st of June, 1773.

Being fully convinced that the said statement is founded upon justice and truth, and being further convinced of the danger of the delay in not opposing the mischievous consequences produced by the said confused and erroneous views, even within the limits of our own monarchy, we have been most graciously pleased by these presents our royal letters patent to pronounce to all our loyal subjects our conviction of the claim and title

of all our royal successors to the succession in the Duchy of Schleswig, and to intimate to our said loyal subjects that we and our successors on the Danish throne shall esteem it our duty and our mission to maintain the said claim and title.

On the other hand, it results, from the researches which we have made, that respecting some parts of the duchy of Holstein there are circumstances which oppose our asserting with equal certitude the title of all our heirs to this duchy. We give, therefore, for the present, to our faithful subjects in general and to our subjects in Holstein in particular, our most gracious assurances that all our efforts ever did and will tend to surmount the obstacles to which we have referred, and to bring about a full and entire acknowledgment of the integrity of the States of Denmark, in such a manner that all the provinces, now subject to us, far from separating, shall, on the contrary, be confirmed in their present connexion and in the rights which they individually possess; and we will have our faithful subjects in the Duchy of Schleswig in particular to know that we nowise propose by these our letters patent in any manner to violate the independence of that duchy, such as the said independence hath hitherto been recognised by us, or to effect any other change whatever in any other circumstances which at present unite that duchy with the Duchy of Holstein. On the contrary, we expressly reiterate our promise to protect our Duchy of Schleswig as it hitherto hath been; so likewise in future in the possession of those rights which belong to the same, as an independent province, though indivisibly united with our monarchy.

In witness of which we have given to these presents our royal signature, and affixed our royal seal thereunto.

D. D. in our royal privy council, at our royal palace of Sorgenfrei, on this the 8th day of July, 1846.

CHRISTIAN R.

L. S.

Frederic, P. R., Frederic Ferdinand, Steman, A. W. Moltke, Vereted, Nereatlow, Criminil.

3.

Extract from the Royal Notification to the Provincial States of Holstein, in answer to the Opinion pronounced by them in 1844.

Our faithful states have in their most humble petition of the 21st of December, 1844, respecting the succession in the Duchies of Schleswig and Holstein, in case of the extinction of the male line of our royal house, and occasioned by the debates of the Assembly of Roeskild concerning this point, tendered a solemn protest against any violation of the legal position of the country, under pretence that the male line alone is entitled to the succession in the duchies.

This protest and this pretence have caused our just astonishment.

Although, according to the general law of the 28th of May 1831, by the separate assembly of states nothing is changed, either in the social connection of the Schleswig-Holstein nobility or in other circumstances which unite the two duchies, it ought to be remembered that the provincial states are, according to this very law, the only legal organ of the various states in each duchy, and that their competency respecting petitions and complaints is limited to the said petitions having a special bearing upon the circumstances and interests of the whole, or of part of the duchy.

The fundamental law to which the states owe their existence as such, prohibits, therefore, the laying of a petition advocating the rights of both duchies as if of our country, before our throne.

The unity of the duchies, as it is presupposed in this most humble petition, is not founded, either in the social connection of the Schleswig-Holstein nobility, or in other circumstances which unite them; but on the contrary such a unity is excluded by the particular circumstances of either duchy.

But a judgment, respecting the succession, such as it is conveyed in the pretence as stated above, cannot be thought of as coming within the province of an assembly of provincial estates.

We, however, are not mistaken as to the influence of these

circumstances which induced our faithful states to take this step. We doubt not their loyal sentiments, but we rely on those sentiments in our unremitting endeavours to secure the integrity of the whole monarchy on a broad and firm basis. We have meanwhile deemed it expedient to order our commissioners at the provincial assemblies of states, not to accept any further petitions and protests concerning this affair.

4.

Address of the Provincial Assembly of the States of Holstein to His Majesty the King of Denmark as Duke of Holstein.

Sire, —

The estates of the duchy of Holstein, now for the sixth time convoked by Your Majesty, approach your throne with a faithful heart, but full of grief and sorrow.

To preserve the independence of the country they represent, to concur with government in promoting its welfare, to strengthen the bonds of mutual confidence between the people and their princely family, this seemed to us hitherto the great end of our assembly. As to the means, the views of the government and those of the estates might vary, but there could be but one opinion as to the end. We were wrong. This end has been displaced by the government: our energies are paralyzed.

The right which belongs to the meanest citizen, though it be vested in our assembly by the fundamental law: the right of petitioning and complaining, is taken from us, and at a moment too when we stand most in need of it.

Majesty! — Your notification of the 8th instant enacts our silence on the very point which now monopolizes the attention both of the Estates and the Country. It is the subject's duty to obey the commands of his prince; but obedience in the present instance were a treason against the dearest interests of the country, and even against your Majesty.

The Duchy of Holstein's rights and constitution are violated. It is the duty of the estates to continue with complaints and remonstrances, and to see the people righted. This is the only

means to preserve the confidence of the people in their constitutional representatives, and to prevent their proceeding to acts of unlawfulness.

The letters patent of the 8th instant, proclaim your views respecting the succession in the Duchies of Schleswig and Holstein. The succession of the former is to be swayed by the Danish royal law; but, respecting some parts of the latter, it is alleged there are circumstances which oppose your asserting with equal certainty the title of all your heirs to that Duchy. Your Majesty intends to direct all your efforts to surmount the obstacles to which you referred, and to bring about a full and entire acknowledgment of the integrity of the state of Denmark. Your royal will, as it is here pronounced, confirms in part the motion of the Roeskild Assembly of Estates of the year 1844, against which the then Assembly of the Estates of Holstein, relying on their right, and on the protection of the king, tendered their respectful protest. This protest caused an expression of surprise in the royal notification.

The letters patent assert, that they are intended to dispel the apprehensions of the people respecting the future of their country. Whatever their effect may be in the *kingdom*, we are sure that in Holstein they create grief and sorrow, they provoke the voice of complaint, and prove that the interests of his German subjects are not sufficiently represented in the King's councils, that they are eclipsed by the interests of Denmark.

A certainty of succession — safety of the integrity of the state; such things are, indeed, apt to dispel any apprehensions a people might entertain. But a declaration of the royal will, proclaimed without the concurrence of the Agnates, without producing the respective acts and documents, — a declaration founded, not on law and justice, but merely on treaties and acts of state, which, moreover, evidently bear in the opposite direction, and whose very terminology has, by the publication of some of the documents, been opened to doubt: such a declaration cannot possibly give a certainty of succession. The individual opinion of the present sovereign, however important, cannot influence the future. It cannot either give or take away right.

The alleged purpose of the letters patent is, respecting the Duchy of Holstein, diametrically opposed to their real context.

They cannot dispel any apprehensions which that Duchy may entertain. Its succession is therein stated to be doubtful; the integrity of the Duchy is even questioned, and wantonly too. The prospect held out in the letters patent, of a future division and parcellation of the country, must necessarily unsettle the minds of its inhabitants. Their excitement must be increased when the letters patent have no other comfort to give them, beyond that contained in the assurance that the king's efforts will ever tend to bring about a full and entire acknowledgment of the integrity of the state of Denmark.

It may possibly gratify the national pride of the Danes to see their frontiers advanced to the Elbe. But the Holsteiners care less for the integrity of the Danish monarchy. Conscious of their German origin they wish to see the integrity of their own country as part of the German fatherland fully established. We have often protested that we do not mean to effect a separation of the two states, united as they are under a common sovereign. But that union shall ever rest in right—it shall not rest on any declaration of any will. Holstein must stand among your other states, equal in right and sovereignty—it must not be a Danish province and dependency.

To calm the country, to strengthen the ties which connect us with the kingdom, it is indispensible to acknowledge the independence of the duchy with all its resulting rights. Unless a corresponding administration of military and financial matters is established, unless the duchy is properly represented in the common council of the State, unless the tendency to model the German institutions of the duchy after the Danish observances of the kingdom be eradicated from our legislature and administration, unless our petitions are attended to and our wants respected, no return of confidence can be thought of.

With respect to this we have repeatedly deposited our remonstrances before your majesty's throne, but it was in vain. Reasons of administrative expediency were alleged to give a pretence to your refusals. The present royal notification declines our advice as jarring with the observances of the kingdom; our petition to separate the finances of the different countries, and for the establishment of a fixed scale of proportionate share in the expenses is refused, on the plea that the duchies do not,

and shall not, form separate States. The last is a direct contradiction of the contents of the letters-patent, for they, as yet, are ignorant of a Danish State of which Holstein is a province. The commentary which is thus furnished to the assertions of our independence in the letters-patent, leaves that independence in fact nothing but an empty sound, and has a similar action upon the gracious promises of royal protection, held forth in the letters-patent.

The royal notification expresses the king's astonishment at the protest of the Holstein Assembly of Estates of 1844, respecting the succession in the duchies. But it is nevertheless acknowledged that the Roeskild Assembly of States have, by their attacks against the duchies, furnished ample pretence for this protest. Government did not care to rebuke their attacks, and the royal Commissioner at the Roeskild Assembly went so far as to express his satisfaction with the proceedings of that body, and to assure them of the king's sympathy. The Assembly of the Holstein Estates cannot indeed be reproached with returning insult with insult, or with having forgotten the respect due to their sovereign.

We cannot admit the reproach of the royal notification, of having by our protest violated the rights which, created by the fundamental law, belong to our body. The fundamental law of the constitution of the Estates in the Duchies, dd. 1831, gives in § 5. to the Estates of either Duchy, an unlimited right of petition and remonstrance regarding the whole or part of the Duchy; and it is also promised that such petition and remonstrance shall have the sovereign's consideration and reply. But can there be any subject of greater interest and importance for the whole of the Duchy of Holstein, than the undisputed right of succession of our dynasty, and the continuance of our national independence? Every individual inhabitant of Holstein felt the injuries of the Roeskild resolutions. The addresses, with which the Estates were overwhelmed, bear witness to this fact. And were the Estates justified in keeping silence and refusing to act as the legal organ of the people? The protest and petition treated indeed of *both* Duchies and of their joint succession. But it is not for the Duchy of Schleswig that the Holstein Estates tendered their petition and entered their protest. They

leave to the Schleswig Estates the care for the interests of their own country. The Holstein Estates acted for the Duchy of Holstein. In entering their protest respecting the joint succession, it was their object to assure the present condition and the nationality of their Duchy of Holstein. Any allusion to the welfare and the interests of the Duchy of Schleswig is the unavoidable consequence of the union of the two countries, as established by fundamental law. Their interests are identical; neither can be spoken of unless mention is made of the other also.

The royal notification reproaches us further with having founded our protest upon a fancied and inconsistent unity of the two duchies. It is, moreover, asserted that a declaration in the succession to the duchies does not fall within the competency of a provincial assembly.

We are far from this reproach. We have opposed the declaration of the Roeskild Assembly, who pretended that the duchies were incorporated with the kingdom, that they were subject to the succession of the royal law, and had lost their independence. We have asserted the individual independence of either duchy, and their time-honoured union. We have also asserted the right of succession of the male line, but we did not mention a unity of the duchies. We have not spoken of a separate state of Schleswig, Holstein. We did not mean to declare the succession before your Royal Majesty: we are conscious of the limits of our competency. But we have expressed our unanimous opinion and conviction, and also the opinion and conviction of the country, such as we know it from the addresses we have received. In doing this, we dared to hope that, in an affair of such vital importance, your Majesty would graciously be pleased to show your German subjects the considerate attention which the Danish people have never vainly sought at your hands.

We are also informed by the Royal Notification that the Royal Commissioner has orders to accept no further petitions and remonstrances on this point. We have already proved that this protestation is diametrically opposed to the right of the provincial assemblies, as stated in § 5. of the fundamental law of 1831. This right is bound up in the duty to make use

of it whenever its assertion is required by the interests of the country. We are not permitted to comply with the royal request, opposed, as it is, by a *law*. This law can only be cancelled by the joint action of the estates and of your majesty; and this law, too, is binding for your Majesty as well as for the people.

Sire — The assembled states feel it their imperative duty to declare that their views respecting the legal position of the duchies and their succession, as pronounced in their protest of 1844, remain equally unaltered by the Royal Notification as by the letters patent; that we are still convinced that our protest was within the limits of our right and of our duty; and that the protest expresses not our own sentiments only, but also those of the people of Holstein. And even after the notification of your views and intentions respecting the succession, as set forth in your letters patent, we do not, therefore, shrink from confirming and reiterating our former protest.

We are aware that the order of succession of the dynasty cannot, in right, be altered or modified by the letters patent; we are aware that the legal position of the duchy of Holstein, as a sovereign German state, is protected by the Germanic confederation, and that we can rely upon the sympathies of our German fatherland. But, sire, your faithful subjects shrink from the thought that your government should still proceed in a direction which is at variance with the fundamental conditions which constitute your own title to the sovereignty. And we appeal again to our sovereign — to our own royal duke.

Our fathers placed the independence of the country and the successional rights of the Oldenburgh line to the duchies into the hands of your Majesty's glorious ancestors, who pledged their royal word, and confirmed it by oaths, that they would preserve the treasure thus confided to their care. The Holsteiners have ever done their duty to their princes. Neither the rights of conquest nor state treaties have deprived the country of its independence, and altered the successional right of the dynasty. We know of no crime of the people by which they could have forfeited them. Patiently and silently have we borne the load which the hands of our prince placed upon us in times of sorrow. We cannot think that this very obe-

dience — that this very silence — should have robbed our country of her dearest rights, and that the confidence shown to your Majesty has been misplaced.

May it please your Majesty, graciously to receive this declaration of your Holstein estates ; may it please your Majesty to maintain our country in its nationality and substantial independence, and to grant us the exercise of our rights of petition and remonstrance, as provided by the fundamental laws ; and may you regulate the successional right of your royal house in wisdom and in justice, and your Majesty's faithful estates will ever pray, &c.

T. F. WIESE, President,
F. REVENTLOW, Secretary.

Itzehoe,
This day, the 24th of July, 1846.

B.

OFFICIAL DOCUMENTS OF 1848 UP TO THE 15TH APRIL.

1. Answer of the Danish Government to the delegates of Schleswig-Holstein, dated 24 March.
2. Proclamation of the King of Denmark to the people of Copenhagen, dated 24 March.
3. Proclamation of the Provisional Government to the inhabitants of the two Duchies, dated 24 March.
4. Proclamation of the Provisional Government of Schleswig-Holstein, dated 24 March.
5. Letter of the King of Prussia to the Duke of Augustenburg, dated 24 March.
6. Proclamation of King Frederic VII. to the inhabitants of Schleswig, dated 27 March.
7. Proclamation of the same to the inhabitants of Holstein, dated 29 March.
8. Address of the Provisional Government to the people of Denmark, dated 31 March.
9. Declaration of the Envoy of the King of Denmark, as Duke of Holstein and Lauenburg, in the Twenty-eighth

Sitting of the High Germanic Diet at Frankfort, the 2d April, 1848.

10. Decree of the King of Denmark suspending the functions of the former Government at Gottorp, dated 4 April.
11. Protest of the Danish envoy at Berlin, note addressed to Baron Arnim, dated 3 April.
12. Answer of the Prussian Court to the Danish minister at Berlin, dated 5 April.
13. Resolution of the High Germanic Diet, respecting the affairs of the Duchies, dated 4 April.
14. The King's Second Proclamation to the Inhabitants of Schleswig, on 6th April.

1.

Answer of the Danish Government to the delegates of Schleswig-Holstein.

"In reply to your petition we have to make known to you that we are disposed to grant to our Duchy of Holstein, as an independent German federal state, a free constitution, founded upon a comprehensive elective system, in which shall be included the right of national armament, freedom of the press, and liberty of association; that, in pursuance of the same, our Duchy of Holstein, besides a peculiar Government and military armament, should likewise have a separate exchequer, so soon as the mutual arrangements — including, among other conditions, a union with Denmark and Schleswig — shall have been consolidated; that we will openly use our endeavours for the institution of a popular German Parliament; that we have neither the right, nor the power, nor the inclination, to incorporate our Duchy of Schleswig with the German Confederation; that, on the contrary, we earnestly desire the indissoluble union of Schleswig with Denmark by means of a common free constitution, and at the same time are determined to secure the independence of Schleswig by extended provincial institutions, and especially by a distinct Diet and a distinct Administration. At the same time, we desire to inform you that it is our earnest wish to consolidate the peace and liberty of our country in perfect harmony with our beloved and faithful subjects; and

that we also consider it as the sacred duty of the lawful Prince to protect the sovereignty of the law, and to maintain the peace of the country with all his power.

"Given at Copenhagen, March 24.

(Countersigned) "A. W. MOLTKE."

2.

Proclamation of the King of Denmark to the People of Copenhagen.

"Two days ago you thanked us with enthusiasm for having anticipated your wishes. We now thank you for the order and quiet which you have preserved during the last few days.

"We have replied to the Schleswig-Holstein Deputation, that we neither have the power nor the will to suffer Schleswig to pass over to the Germanic Confederation, or to be separated from our beloved fatherland, but that, on the contrary, Denmark and Schleswig shall be joined together under a free constitution, with as much provincial independence for Schleswig as the nature of the case permits, while Holstein, on the other hand, as a member of the Germanic Confederation, shall have its own free constitution.

"We have thus granted all the concessions in our power; if our offer is not accepted, we will uphold the honour of Denmark with the assistance of our whole Danish people.

"We entrust the safety of the Deputation from Schleswig-Holstein to the honourable feeling of our Danish people.

"FREDERIC R.

"The Palace of Christianburg,

"March 24.

(Countersigned) "A. W. MOLTKE,

"President of the Council."

3.

Proclamation of the Provisional Government to the Inhabitants of the Duchies of Schleswig and Holstein.

"To the Schleswig-Holsteiners.

"A Provisional Government has been formed in the Duchies

of Schleswig-Holstein, in the name of the King, at the head of which his Highness the Prince of Schleswig-Holstein, Beseler and other well-meaning men, have placed themselves. His Highness has already entered this place at the head of the Lauenburg Jaeger corps. The garrison of Rendsburg has joined us.

" By order of his Highness, this will be made known to the inhabitants of the Duchies; and all towns and villages are urgently requested to send immediately numerous recruits and other supplies for the defence of the country to this fortress.

" By order of the Provisional Government, Rendsburg, March 24.

" J. W. VENDT,
" President of the Burgher Assembly."

4.

Proclamation of the Provisional Government of Schleswig-Holstein.

" Countrymen! Our duke has been forced by a revolutionary movement at Copenhagen to dismiss his counsellors, and to assume a position hostile to the duchies. The sovereign's will is no longer free, and the country is deprived of government. We shall not suffer a German country to be given up to the Danes. Extraordinary dangers require extraordinary resolutions; as government is wanted for the defence of the frontier, and the maintenance of order. Guided by an imperative necessity, and strengthened by the confidence which hitherto was shown to us, we have responded to the appeal made to us, and constituted ourselves as a provisional government, and we mean to act for the maintenance of our country's rights, and the rights of our lawful duke, in whose name we exercise our authority. We shall at once convoke the United Assembly of Estates, and resign our authority whenever our sovereign shall again be free, or in case the estates should please to entrust others with the administration of affairs. We shall with all our power join the aspirations of the German nation after liberty and unity. We call upon all patriotic inhabitants of the country

to join us. Let our firmness and our orderly conduct bear evidence of the patriotism of the inhabitants of Schleswig-Holstein. Mr. Bremer, barrister-at-law, now absent, is summoned by these presents to join the Provisional Government.

" Kiel, 24 March, 1848.

" BESELER,
" FREDERIC, Prince of Schleswig-Holstein.
" REVENTLOW,
" SCHMIDT.
" The Provisional Government."

5.

Letter of the King of Prussia to the Duke of Augustenburg.

" Serene Highness,—In reply to the letter of your Highness of this day, in regard to the threatened state of the Duchies of Schleswig-Holstein, I have to state as follows: — I have taken upon myself the guidance of the affairs of Germany in the time of danger, not with a view to usurp the rights of others, but to maintain that cause justly at home and abroad, along with its existing rights.

" In these rights I include the duchies of Schleswig-Holstein, while in the points named below there is nothing which can injure the rights of the kingdom of Denmark in any manner:—

" 1. That the duchies are self-existent states.

" 2. That they are firmly allied confederated states.

" 3. That the male line reign in these duchies.

" In this sense I have already declared to the German diet, and under these existing rights I am ready to prove my willingness, in relation to the resolutions of the diet of the 17th of September, 1846, to protect the said Duchies of Schleswig and Holstein against violent measures or attacks, by such means as may appear requisite. I hope, however, that no real danger threatens the nationality of the duchies, and am, besides, firmly assured that my German allies will, with me, hasten to their protection.

" With sincere friendship I remain your Highness's friend and cousin,

" FRIEDRICH WILHELM.

" Berlin, March 24, 1848."

6.

Proclamation of King Frederic VII. to the Inhabitants of Schleswig.

"Men of Schleswig! — Your King addresses himself to you at a solemn moment.

"A few months back I ascended the throne of my fathers, proud in the thought of granting, of my own free will, a free constitution to my whole people in peace and order.

"Unheard-of events have shaken Europe to her centre. Holstein, as a member of the Germanic Confederation, claims to receive its own constitution. That such a constitution shall be granted I have passed my Royal word, and the constitutional unity which I had hoped to bring about must therefore be abandoned.

"To you, men of Schleswig, I have declared, and hereby again declare, that in union with Denmark you shall now obtain a free and popular constitution. Your independence as Schleswigers shall, conjointly with your common constitution with Denmark, be secured by a Diet of your own, an administration of your own, and courts of your own; by a like share in the burdens of the state in proportion to your population, a just application of the surplus revenue, and an equal right of using either the German or Danish language, whether in the great Assembly of the whole realm, or in your own Diet.

"Men of Schleswig! you will not cast away the blessings of peace and legality to serve the faithless schemes of ambitious men. You will not deny your hereditary loyalty to your King, nor hazard the loss of your independence and prosperity. Your King calls on you to proceed by the path of legality and honour to peace and freedom. You will follow the voice of duty and freedom. With the whole force of Denmark I will soon stand by you, and see you face to face.

"FREDERIC R.

"(Countersigned) "A. W. MOLTKE.

"Christiansburg, March 27."

7.

Proclamation to the Inhabitants of Holstein.

"Men of Holstein!—You have caused me deep grief. For centuries sedition and treachery have been unknown in my realms. You have planted the standard of revolt!

"Men of Holstein,—My heart clings to you. You will not destroy the holiest inheritance from your fathers—the fame of Holstein for fidelity. Your Duke cannot abandon the hope that you will return to him. You have been seduced by faithless leaders, who do not think of your weal, but only of their own ambitious plans. Under my name they lead you into ruin;—only by pretending that I was not free, they have induced you to follow them.

"Men of Holstein,—Let my words find entrance among you. I offered you freedom, independence as a separate state, participation in the development of the unity of Germany; and I have given my promise to that effect.

"And this promise you return by revolt. Return to the blessings of peace and liberty. Do not lightly sacrifice your welfare; do not expose it to the plunder of wild hordes. I shall soon be at the frontier of the kingdom. Send me a message of peace and obedience, and what I have promised shall remain in full force.

"FREDERIC VII.
"T. M. KUNTH.

"(Countersigned),
"Christiansburg, March 29."

8.

Address of the Provisional Government of Schleswig-Holstein to the People of Denmark of 31st March, 1848.

"Danes! the people of Copenhagen have compelled your King, our Duke, to proclaim the incorporation of Schleswig with the kingdom of Denmark—its degradation to a Danish province, and already are Danish troops invading the Duchy of Schleswig in order to execute this arbitrary measure by force of arms! The Provisional Government of the Duchies of Schleswig-Holstein has resolved to ensure the rights of the

duchies, as well as those of our Duke, against all foreign influence, and feels itself strong in the right which it defends, and its assistance by the whole German people. Danes! the national independence of the Duchy of Schleswig rests on firm treaties. Its forcible transformation into a Danish province is a breach of those treaties. The duchies have often supported you, like faithful confederates in times of danger. You will commit an act of two-fold unjustice if you now endeavour to violate and annihilate our rights. We wish only to protect our own nationality, and not to attack the independence of foreign countries. *Let the north of Schleswig therefore freely declare whether it will be incorporated as a province with the kingdom of Denmark, or follow the German nation,* — and *we, at all events, will offer no opposition to its will.* We offer you honourable alliance, and a Sovereign personally common to both, so long as the male branch rules in Denmark, but we will not submit to an unbecoming domination of the female line.

"Danes! think what you are doing! We offer you freely all that justice requires, and all that is really useful to you. More than this you cannot receive, but you will rather lose everything if you continue to pursue the path of violence, as the very existence of the Danish kingdom will then be endangered. Should you be conquerors on the battle-field, — and this will never happen, so long as German hearts pulsate on the continent of Europe, — what would you gain but a desolated and hostile territory, intolerable pecuniary burdens, and an annihilated trade? If we conquer, who will then prevent us from assigning conditions which will give us ample security for the future against any attacks or encroachments? It is not yet too late! the armies still face each other — the battle, the work of destruction, has not yet commenced — we still offer you peace without fighting!

"Beseler,
"Frederic, Prince of Schleswig-Holstein,
"F. Reventlow,
"M. T. Schmidt,
"J. Bremer,
"Th. Olshausen,
"Members of the Provisional Government.

"Rendsburg, March 30. 1848."

9.

Declaration of the Envoy of the King of Denmark, as Duke of Holstein and Lauenburg, in the Twenty-eighth Sitting of the High Germanic Diet at Frankfort, the 2d April, 1848. (Extracted out of the *proces verbal* of the High Diet for 1848. P. 322.)

" The Envoy made the following statement with respect to the instructions he had received, and to the statements he had just heard made. It was true that the connection between Holstein and Schleswig had been recognised and confirmed by the Danish Government; also in modern times; in particular in the declaration made to the Diet on the 7th of September 1846, to which Prussia had referred. Still, the passage referred to had no other purpose but to enable the Diet to exercise a tranquillising influence in the duchies also by that recognition. It had not been the intention to acknowledge the competency of the Diet, as to that connection between the two duchies. Denmark had not conceded such a competency to the ancient Germanic Diet either.

" As to the present measure, the union of Schleswig with Denmark, had been resorted to, on account of the Government being of opinion that, if the present connection was to be maintained, Schleswig necessarily would have entered into an infinitely more distant relation to Denmark, in consequence of the concessions which had been made to Holstein in order to allow her to partake of the unity of Germany. In short, Denmark would in that case have been obliged to accede to the German Confederation for Schleswig also, and this would have been perfectly impossible, on account of the extremely excited Danish national feeling, which had been irresistibly manifested in the metropolis."

10.

Decree of the King of Denmark, suspending the Functions of the Provisional Government at Gottorp.

" We, Frederic VII., &c., make known to all, &c., that we have graciously considered it friendly to cause the functions of

the Government of Schleswig-Holstein at Gottorp to cease, and order all our subjects and authorities in the duchies of Holstein-Schleswig to apply direct, in all matters and causes in which they were formerly in the habit of applying to the aforesaid Government, according to the then existing right, to our immediate Council of State in Copenhagen. Accordingly each and every one have to heed this.

"Given at our Castle of Christiansburg, April 4.

"FREDERIC R."

H. M.

11.

Protest of the Danish Envoy at Berlin, Note addressed to Baron Arnim.

"The undersigned Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark, has had the honour to declare the day before yesterday, by order of his Government, to his Excellency the Baron Arnim, Minister of Foreign Affairs, that the dislocation of the Danish troops, which is taking place at this moment, as well as all other military measures, neither have, nor have they ever had, any other purpose than to maintain order and security in the interior of the King's, his Sovereign's, states; and that His Majesty, being firmly resolved to prove the truth of his pacific intentions, is inclined to believe that his august ally the King of Prussia will return them with the same sincerity, and that thus there will be no subject whatever of suspicion and mistrust between the two Sovereigns and their respective States.

"The undersigned has nevertheless understood with great surprise during the interview which he had yesterday with his Excellency the Baron Arnim, that the Government of His Prussian Majesty has ordered a detachment of troops to march across the frontiers of His Danish Majesty, and to occupy the fortress of Rendsburg, which is situated on the borders of the Duchies of Holstein and of Schleswig.

"The King of Denmark being in the act of personally re-establishing legitimate order in his states, has thought it beneath his dignity to use the right to which he is entitled as a

member of the Germanic Confederation, to claim the co-operation of Prussia.

"The King of Denmark cannot recognise the right of any foreign Power to interfere without his wish, with an armed force, in the internal affairs of his kingdom.

"The undersigned flatters himself with the belief that it is not the intention of the Government of His Majesty the King of Prussia to succour subjects who are in open rebellion against their legitimate Sovereign, who signalised his recent advent to the throne by a perfectly free and spontaneous promise of constitutional institutions, and who has just pledged his Royal word to promote the desires of his Duchy of Holstein to obtain its legitimate share in the development of German unity and liberty.

"Nevertheless, the attitude taken by the King of Prussia with regard to Denmark, and the communication which his Excellency the Baron Arnim has been pleased to make to the undersigned, are calculated to favour the supposition that Prussia might possibly be allured into attempting to solve by the force of arms a question which most certainly is merely an internal question, or, if not, a European question, and even to decide it before its preliminary discussion.

"Such a measure would be so opposed to international law and all international observances, that the undersigned refuses to think that the Prussian Government would take such a responsibility upon itself.

"If, nevertheless, the Prussian Government, in spite of the earnest remonstrances of the undersigned, decides upon this course, nothing would remain for the undersigned but to protest, as he does by these presents, in the name of his Government, and in the most formal manner, against so glaring a violation of the rights of sovereignty of the King, his august master.

"The undersigned, &c.

"Berlin, April 3, 1848. "W. Plessen."

12.

Answer of the Prussian Court to the Danish Minister at Berlin.

" The undersigned has had the honour of receiving the note which M. the Count Plessen, Envoy Extraordinary and Minister Plenipotentiary of his Majesty the King of Denmark, has addressed to him the day before yesterday, respecting the sending of Prussian troops into the duchy of Holstein.

" In reply to this document, the undersigned can only repeat what he has already verbally stated to M. the Count Plessen, giving him the positive assurance that the military measure in question, far from having a character hostile to or aggressive against Denmark, has only been taken for the two-fold purpose of protecting the territories of the Germanic Confederation against a violation by which they appeared threatened, and to guard, in favour of a German and federal state, those established rights which have just been so violently attacked by a recent act of the Danish government. Moved by a sense of the duty which the spirit as well as the letter of the Federal Pact impose upon him, and strong in the adhesion of the national will, the King could not, in presence of an imminent danger, hesitate to take, in concert with his German allies, the initiative of a position which will, without doubt, readily receive the formal sanction of the Germanic Confederation, and in which that Confederation, by its organ, the Diet, will speedily declare herself bound to acquiesce.

" Prussia, in assuming this attitude, does in nowise mistake the rights of sovereignty which his Majesty the King of Denmark possesses in his quality as Duke of Schleswig-Holstein. Those rights are not the less sacred in the eyes of the Prussian government than those of the duchies themselves. The Prussian government is firmly resolved to respect and maintain the rights of both parties, and the eventual protest contained in this respect in the note of M. the Count Plessen appears consequently groundless.

" Besides, in order to give a striking proof of his pacific sentiments and his sincere desire to remove by an amicable understanding all possibility of an open rupture, the King has

ordered Major Von Wildenbruch to proceed immediately to the King of Denmark to give his Danish Majesty, concerning the motives and the object of the policy of the Prussian government, all explanations which should appear most fit to quiet the apprehensions of the Court of Copenhagen as to our intentions, and to effect an approximation of views, the divergence of which no one can more bitterly deplore than the King's cabinet.

"Trusting that this step will be appreciated as it deserves by the government of his Danish Majesty, and that it will not remain without some satisfactory result, the undersigned is happy to be able to profit by this opportunity, and to repeat to M. the Count Plessen the assurance of his highest consideration.

"ARNIM."

"Berlin, April 5."

13.

Resolution of the High Germanic Diet, respecting the Affairs of the Duchies.

"*First.* The Diet declares, in conformity with Article 38 of the Final Act, that a danger of attack exists for the German federal land Holstein; and the Diet announces its full acknowledgment of the preliminary steps taken by Prussia and the States of the tenth corps of the federal army, in order to protect the federal frontier in Holstein.

"*Secondly.* The Federal Diet, in order to secure unity in directing the military measures which may be found necessary for that purpose, calls upon Prussia to come to an understanding upon this point with the States of the tenth corps of the federal army.

"*Thirdly.* The Federal Diet is ready, in order to prevent bloodshed and to arrive at a friendly understanding, to charge itself with the mediation. It calls upon Prussia to undertake this affair of mediation in the name of the Germanic Confederation, upon the basis of the unimpaired rights of Holstein, in particular upon that of the right of the political union with Schleswig.

"The Diet, in proposing such a mediation, supposes it as understood by itself, that hostilities cease forthwith, and that the *status quo ante* be restored."

14.

The King's Second Proclamation to the Inhabitants of Schleswig.

"Men of Schleswig! — My last word to you was that I would soon see you face to face. This my Royal word do I now fulfil; as God is my witness that I intend to fulfil every promise which, prompted by love to my subjects, I have given you.

"Men of Schleswig! — Confiding in my just cause, I stand in the midst of you. I stand here to force lies and falsehood to throw off their masks. I stand here to render it impossible for the traitors to tear you from me by falsehood. I stand here to show you, as well as the whole world, that it is my free and determined will to fight for my right to the last.

"Faithful men of Schleswig! — Gather round your King, who will lead you to freedom and will grant all the rights that can secure your happiness; and if amongst you there are some who are misled, give me an opportunity to appear amongst you as a mild and forgiving lord, by yourselves prevailing upon these misled men to depart, while it is still time, from the insurgents, whose audacious conduct will bring down upon their guilty heads a just punishment.

"Men of Schleswig! — Before concluding, let me inform you that I will summon the authorities of the land before a commission I have appointed to administer the affairs of the country, in order that they may give me information of the state of the country, and have an opportunity to render an account of their acts and their conduct.

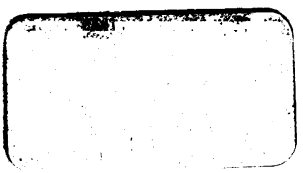
"Given in the town of Sonderburg (in the Isle of Alsen), the 6th of April, 1848.

"FREDERIC R."

THE END.

LONDON:
SPOTTISWOODE and SHAW,
New-street-Square.

JUN 25 1963



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